



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 18] नई दिल्ली, मई 5—मई 11, 2024, शनिवार/ वैशाख 15—वैशाख 21, 1946
No. 18] NEW DELHI, MAY 5—MAY 11, 2024, SATURDAY/VAISAKHA 15—VAISAKHA 21, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 1 मई, 2024

का.आ. 809.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, मई 01, 2024 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशन/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद(श्री/सर्व)	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
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1	जतिन, सहायक अनुभाग अधिकारी	भारतीय उच्चायोग, निकोसिया
2	महेश कुमार, सहायक अनुभाग अधिकारी	
3	मनीष नेगी, सहायक अनुभाग अधिकारी	भारतीय उच्चायोग, नैरोबी
4	मोहम्मद बिलाल, सहायक अनुभाग अधिकारी	भारतीय दूतावास, वाशिंगटन डी सी
5	जितेंदर कुमार, सहायक अनुभाग अधिकारी	भारतीय दूतावास, रबात

[फा. सं. टी. 4330/01/2024(12)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 1st May, 2024

S.O. 809.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from May 01, 2024:

Sl. No.	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Jatin, Assistant Section Officer	High Commission of India, Nicosia
2	Mr. Mahesh Kumar, Assistant Section Officer	
3	Mr. Manish Negi, Assistant Section Officer	High Commission of India, Nairobi
4	Mr. Mohd. Bilal, Assistant Section Officer	Embassy of India, Washington DC
5	Mr. Jitender Kumar, Assistant Section Officer	Embassy of India, Rabat

[F. No.T.4330/01/2024(12)]

S.R.H FAHMI, Director (CPV-I)

नई दिल्ली, 6 मई, 2024

का.आ. 810.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के राजदूतवास अबु धाबी में श्री अपराजित कुमार, सहायक अनुभाग अधिकारी, को मई 06, 2024 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी. 4330/01/2024(13)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

New Delhi, the 6th May, 2024

S.O. 810.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Aparajit Kumar, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Abu Dhabi to perform the consular services as Assistant Consular Officer with effect from May 06, 2024.

[F. No. T.4330/01/2024(13)]

S.R.H FAHMI, Director (CPV-I)

नई दिल्ली, 7 मई, 2024

का.आ. 811.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारतीय उच्चायोग, लंदन में श्री सूरज कुमार निषाद, कनिष्ठ सचिवालय सहायक, को मई 07, 2024 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी. 4330/01/2024(14)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

New Delhi, the 7th May, 2024

S.O. 811.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Suraj Kumar Nishad, Junior Secretariat Assistant as Assistant Consular Officer in the High Commission of India, London to perform the consular services as Assistant Consular Officer with effect from May 07, 2024.

[F. No. T. 4330/01/2024(14)]

S.R.H FAHMI, Director (CPV-I)

कृषि एवं किसान कल्याण मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 2 मई, 2024

का.आ. 812.—सार्वजनिक परिसर (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा तालिका के कॉलम (2) में उल्लिखित निम्नांकित अधिकारियों को जो सरकार के राजपत्रित अधिकारी के पद के समकक्ष हैं, उक्त अधिनियम के अंतर्गत इस प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। ये अधिकारी उक्त अधिनियम के अंतर्गत अथवा उसके द्वारा सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और दिए गए कर्तव्यों का पालन उनके संबंधित अधिकार क्षेत्र की स्थानीय सीमाओं के अंतर्गत नीचे दी गई तालिका के कॉलम (4) में संबंधित प्रविष्टि में निर्दिष्ट सार्वजनिक परिसर के संबंध में करेंगे :

तालिका

क्र.सं.	अधिकारी का नाम एवं पदनाम	अंचल/जोन	इंगित किए गए राज्यों के अनुसार स्थानीय सीमाएं
1.	श्री अजय कुमार सोनी, मुख्य प्रशासनिक अधिकारी, आईएआरआई, पूसा, नई दिल्ली।	उत्तर	उत्तर प्रदेश, दिल्ली, हरियाणा, पंजाब, जम्मू एवं कश्मीर, हिमाचल प्रदेश, चंडीगढ़ और उत्तराखंड।
2.	श्री दिलीप रॉय, मुख्य प्रशासनिक अधिकारी (सीनियर ग्रेड), आईएआरआई, हजारीबाग।	पूर्व एवं पूर्वोत्तर	ओडिशा, बिहार, झारखंड, पश्चिम बंगाल, सिक्किम, मेघालय, असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मिजोरम, त्रिपुरा, अंडमान एवं निकोबार द्वीप समूह।
3.	श्री हरीश नायर, मुख्य प्रशासनिक अधिकारी (सीनियर ग्रेड), सीएमएफआरआई, कोच्चि।	दक्षिण	तमिलनाडु, केरल, आंध्र प्रदेश, पुडुचेरी, दादर और नगर हवेली, कर्नाटक, लक्षद्वीप
4.	श्री अभिषेक यादव, मुख्य प्रशासनिक अधिकारी, सीआईआई, भोपाल	पश्चिम	महाराष्ट्र, गोवा, गुजरात, मध्य प्रदेश, राजस्थान, छत्तीसगढ़, दमन और दीव।

[फा. सं. 17/11/1995-ई एंड एम]

के. के. गुइते, निदेशक

MINISTRY OF AGRICULTURE AND FARMERS WELFARE

(Department of Agricultural Research and Education)

New Delhi, the 2nd May, 2024

S.O. 812.—In exercise of powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the following officers mentioned in column(2) of the Table, being the officers equivalent to the rank of Gazetted Officer of the Government, to be Estate Officers for the purpose under the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officers by or under the said Act, within the local limits of their respective jurisdiction, in respect of the public premises specified in the corresponding entry in column(4) of the Table below:

TABLE

Sl. No.	Name & Designation of the Officer	Zone	Local limits as per States indicated
1	Sh. Ajay Kumar Soni, Chief Admn. Officer, IARI, Pusa, New Delhi.	North	Uttar Pradesh, Delhi, Haryana, Punjab, Jammu & Kashmir, Himachal Pradesh, Chandigarh and Uttarakhand.
2	Sh. Dilip Roy, Chief Admn. Officer (Sr. Grade), IARI, Hazaribagh.	East & North East	Odisha, Bihar, Jharkhand, West Bengal, Sikkim, Meghalaya, Assam, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, A&N Islands.
3	Sh. Hareesh Nair, Chief Admn. Officer (Sr. Grade), CMFRI, Kochi.	South	Tamil Nadu, Kerala, Andhra Pradesh, Pondicherry, Dadra & Nagar Haveli, Karnataka, Lakshadweep.
4	Sh. Abhishek Yadav, Chief Admn. Officer, CIAE, Bhopal.	West	Maharashtra, Goa, Gujarat, Madhya Pradesh, Rajasthan, Chhattisgarh, Daman & Diu.

[F. No. 17/11/1995- E&M]

K. K. GUTE, Director

श्रम और रोजगार मंत्रालय

नई दिल्ली, 19 अप्रैल, 2024

का.आ. 813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **गोधूर कोलियरी ऑफ बी सी सी एल** के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I** के पंचाट (संदर्भ संख्या **04/2011**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **22/02/2024** को प्राप्त हुआ था।

[सं. एल-20012/07/2010 -आई.आर.सी.एम-I]

मणिकंदन. एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, 19th April, 2024

S.O. 813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 04/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **Godhur Colliery of BCCL** and **their workmen** received by the Central Government on **22/02/2024**.

[No. L-20012/07/2010 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT (No. 1),
DHANBAD.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer / Link Officer,
C.G.I.T-cum-L.C. (No. 1), Dhanbad.

REFERENCE CASE NO. 04 OF 2011**PARTIES:** Sheo Charan Bhuia

Vs.

Management of Godhur Colliery of BCCL

REPRESENTATIVES:

For the Union/Workman: None.

For the Management of BCCL: None.

INDUSTRY: Coal**STATE:** Jharkhand.**Dated:** 19.01.2024**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-20012/07/2010-IR(C-I)** dated 18.02.2011 has been pleased to refer the following dispute between the employer, that is the Management of Godhur Colliery of Kusunda Area of Bharat Coking Coal Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Godhur Colliery of Kusunda Area of M/s BCCL in alleged illegal incompatible and unjustified dismissal of Sri Sheo Charan Bhuia, M/Loader is fair and justified? To what relief the concerned workman is entitled to?”

1. On receiving Order **No. L-20012/07/2010-IR(C-I)** dated 18.02.2011 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 04 of 2011** was registered on 08.03.2011. As none appeared Notice was issued to both parties directing them to appear and take proper steps in support of their claims.
2. The Reference case is fixed up today for appearance of the parties. On repeated calls at 12.50 pm none appeared for both the parties. The regular Presiding Officer has retired from service. I am in charge as Presiding Officer / Link Officer of Central Government Industrial Tribunal -cum- Labour Court (No. 1), Dhanbad.
3. It appears that the parties are not interested to proceed with the case as they have taken no steps after issuance Notice. Industrial Dispute is therefore dismissed for default. A No Dispute Award be drawn up.

Hence,

ORDERED

That a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 1 मई, 2024

का.आ. 814.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्रीमती के. स्वप्ना के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.- 197/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/99/2014 -आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 814.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 197/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Smt. K. Swapna** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. L-17012/99/2014 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of March, 2024

INDUSTRIAL DISPUTE No. 197/2014

Between:

Smt. K. Swapna,

C/o Bandi Srinivas,

H.No.11-62, Papannapalli (V),

Bejjanki, 4 Karimnagar Dist..

Karimnagar (A.P.)

.....Petitioner

AND

1. The Zonal Manager,
LIC of India, Zonal Office,
Opp. Secretariat,
Saifabad, Hyderabad – 500 004.

2. The Sr. Divisional Manager,
LIC of India,
Divl. Office,
Karimnagar(AP) – 505001.

... Respondents

Appearances:

For the Petitioner : Sri M. Madhusudhan, Advocate

For the Responden : Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 99/2014-IR(M) dated 8.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Life Insurance Corporation of India, Zonal Office, Hyderabad / Divisional Office, Karimnagar in terminating the services after crossing 240 days continuous service of Smt. K. Swapna, Ex-Temp. Substaff LIC of India, Divisional Office, Karimnagar Br. w.e.f 1.2.2013 is justified not? If not, to what relief the applicant is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 197/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner’s evidence, Petitioner remained absent. Petitioner did not adduce any evidence in support of her claim statement despite sufficient opportunity provided to her. The claim statement filed by the Petitioner has not been substantiated by any evidence. Further, from the perusal of the claim statement, it is found that it has not been signed or verified by the Petitioner applicant. In view of the above, the claim petition being defective and even not substantiated by any evidence is liable to be dismissed. Hence, dismissed, a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 19th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

Witnesses examined for the
Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 1 मई, 2024

का.आ. 815.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री पित्तला रमेश के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.- 196/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/112/2014 -आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 815.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 196/2014) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to LIC of India and Shri Pittala Ramesh which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. L-17012/112/2014 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of March, 2024**INDUSTRIAL DISPUTE No. 196/2014**

Between:

Sri Pittala Ramesh,
H. No. 9-16 (V) Raghavapoor,
P.O: Annaram, (M) Manakondur,
Karimnagar Dist..
Karimnagar (A.P.)

.....Petitioner

AND

1. The Zonal Manager,
LIC of India, Zonal Office,
Opp. Secretariat,
Saifabad, Hyderabad – 500 004.
2. The Sr. Divisional Manager,
LIC of India,
Divl. Office,
Karimnagar(AP) – 505001.

... Respondents

Appearances:

For the Petitioner : Sri M. Madhusudhan, Advocate
 For the Respondent : Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 112/2014-IR(M) dated 11.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Life Insurance Corporation of India, Zonal Office, Hyderabad/ Divisional Office, Karimnagar in terminating the services after crossing 240 days continuous service of Sri P. Ramesh, Ex-Temp. Substaff LIC of India, Divisional Office, Karimnagar Br. w.e.f 1.2.2013 is justified not? If not, to what relief the applicant is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 196/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner's evidence, Petitioner remained absent. Petitioner did not adduce any evidence in support of his claim statement despite sufficient opportunity provided to him. The claim statement filed by the Petitioner has not been substantiated by any evidence. Further, from the perusal of the claim statement, it is found that it has not been signed or verified by the Petitioner applicant. In view of the above, the claim petition being defective and even not substantiated by any evidence is liable to be dismissed. Hence, dismissed, a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 19th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
 Petitioner
 NIL

Witnesses examined for the
 Respondent
 NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 1 मई, 2024

का.आ. 816.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्री टी. रवि के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 93/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/13/2014 -आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 816.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 93/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri T. Ravi** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. L-17012/13/2014 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of February, 2024**INDUSTRIAL DISPUTE No. 93/2014**

Between:

Sri T. Ravi,

S/o Veeraju,

D. No. 85-11-3/1, Srinagar,

Rajahmundry.

.....Petitioner

AND

1. The Branch Manager,

LIC of India,

Rajahmundry Rural Branch,

E.G. Dist. A.P..

2. The Sr. Divisional Manager,

LIC of India, Divisional Office,

Jeevan Godavari, Morampudi,

Rajahmundry.

...

Respondents

Appearances:

For the Petitioner : Sri V. V. Rama Krishna, Advocate

For the Respondent : Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 13/2014-IR(M) dated 12.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri T. Ravi, Ex-Temp. Class-IV LIC of India, Rajahmundry Rural Branch w.e.f. 28.1.2023 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 93/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner’s evidence, Petitioner remained absent. Record reveals that Petitioner is not attending proceedings since the year 2018. Despite sufficient number of opportunities have been provided to him, he has not filed any evidence to substantiate his claim. Therefore, for the want of evidence a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 23rd day of February, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 1 मई, 2024

का.आ. 817.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्री शेख अब्दुल्ला के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 195/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/113/2014 -आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 817.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 195/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri Shaik Abdullah** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. L-17012/113/2014 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABADPresent: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of March, 2024**INDUSTRIAL DISPUTE No. 195/2014**

Between:

Sri Shaik Abdullah,
H.No. 4-72, Molangoor(V)
Keshavapatnam(M)
Karimnagar Dist..
Karimnagar (A.P.)

.....Petitioner

AND

1. The Zonal Manager,
LIC of India, Zonal Office,
Opp. Secretariat,

Saifabad, Hyderabad – 500 004.

2. The Sr. Divisional Manager,
LIC of India,
Divl. Office,
Karimnagar(AP) – 505001.

... Respondents

Appearances:

For the Petitioner : Sri M. Madhusudhan, Advocate
For the Respondent : Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 113/2014-IR(M) dated 11.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Life Insurance Corporation of India, Zonal Office, Hyderabad / Divisional Office, Karimnagar in terminating the services after crossing 240 days continuous service of Sri Shaik Abdullah, Ex-Temp. Substaff LIC of India, Divisional Office, Karimnagar Br. w.e.f 1.2.2013 is justified not? If not, to what relief the applicant is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 195/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner’s evidence, Petitioner remained absent. Petitioner did not adduce any evidence in support of his claim statement despite sufficient opportunity provided to him. The claim statement filed by the Petitioner has not been substantiated by any evidence. Further, from the perusal of the claim statement, it is found that it has not been signed or verified by the Petitioner applicant. In view of the above, the claim petition being defective and even not substantiated by any evidence is liable to be dismissed. Hence, dismissed, a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 19th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 1 मई, 2024

का.आ. 818.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री श्री जी. संपत कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.- 217/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/120/2014 -आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 818.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 217/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Sri G. Sampath Kumar** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. L-17012/120/2014 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of March, 2024

INDUSTRIAL DISPUTE No. 217/2014

Between:

Sri G. SampathKumar,

H.No.8-7-277, Hanuman Nagar,

Karimnagar Dist..

Karimnagar(AP) – 505001.

.....Petitioner

AND

1. The Zonal Manager,
LIC of India, Zonal Office,
Opp. Secretariat,
Saifabad, Hyderabad – 500 004.
2. The Sr. Divisional Manager,
LIC of India,
Divl. Office,
Karimnagar(AP) – 505001.

...

Appearances:

For the Petitioner : Sri M. Madhusudhan, Advocate

For the Respondent: Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 120/2014-IR(M) dated 9.10.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Life Insurance Corporation of India, Zonal Office, Hyderabad/ Divisional Office, Karimnagar in terminating the services after crossing 240 days continuous service of Sri G. Sampath Kumar, Ex-Temp. Substaff LIC of India, Divisional Office, Karimnagar Br. w.e.f 1.2.2013 is justified not? If not, to what relief the applicant is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 217/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner's evidence, Petitioner remained absent. Record reveals that Petitioner is not attending proceedings since last number of dates of hearing. It seems he do not want to prosecute his case. Perused the record. Since the claim of the Petitioner is not substantiated by any evidence of Petitioner, despite a sufficient number of opportunity already granted to him, therefore, for the want of evidence a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 19th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 मई, 2024

का.आ. 819.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (20/2015) प्रकाशित करती है।

[सं. एल-12011/07/2015 -आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 819.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 20/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/07/2015 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/20/2015

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Dainik Vetan Bhogi Bank Karmachari Sanghthan,

F-1, Karambhoomi, Tripti Vihar,

Opp. Engineering College, Ujjain (MP)

Workman

VERSUS

The Assistant General Manager,

Region-3, State Bank of India,RBO,

5 Yashwant Niwas Road, Indore (MP)

Management

AWARD

(Passed on this 13th day of December-2023.)

As per letter dated 13/02/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-12011/07/2015(IR(B-I)). The dispute under reference relates to:

"क्या महासचिव, दैनिक वेतन भोगी कर्मचारी संगठन द्वारा श्री राजेश मालवीय के भारतीय स्टेट बैंक में दिनांक 02.04.2004 से 01.01.2014 तक नियंत्रणधीन शाखा मगरिया जिला शाजापुर में कार्यरत रहने के दौरान का दिपक्षीय समझौता के अनुसार देय वेतन की मांग करना न्यायोचित है? यदि हां तो श्री राजेश मालवीय किस अनुतोष के अधिकारी है?"

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have appeared and filed their respect statement of claim/defence.

2. Admittedly, the workman worked as a daily wager with the Bank and was disengaged later. He was paid wages as fixed by the state government as minimum wages. His claim is that he should have been paid wages as per Bipartite settlement whereas according to management this settlement does not cover daily wage casual workers.

3. I have gone through the ninth Bipartite settlement which is on record. Its perusal shows that it does not cover daily wagers, hence the workman is held not entitled to the benefits of Bipartite settlement because he was a daily wager. Hence holding the claim of workman regarding his salary as per term and condition of Bipartite settlement not tenable, the reference deserves to be answered against the workman and is answered accordingly.

P.K. SRIVASTAVA, Presiding Officer

DATE: 13/12/2023

नई दिल्ली, 2 मई, 2024

का.आ. 820.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (65/2013) प्रकाशित करती है।

[सं. एल-12012/119/2012 -आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 820.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 65/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/119/2012 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/65/2013

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Ravindra Kumar Nai,

S/o Shri Ramkishore,

R/o 121, Ward No.1, Vidhyak Colony,

Lavkush Nagar, Laundi, Distt.

Chhatarpur (MP)

Workman

VERSUS

The Branch Manager,
State Bank of India,
Laundi Branch,
Distt. Chhatarpur (MP)

The Asstt. General Manager,
State Bank of India,
Region-III, O/o Regional Business Office,
Peptip Plaza, Sagar Road,
Chhatarpur (MP)-471001

Management

AWARD

(Passed on this 12Th day of February-2024.)

As per letter dated 17/04/2013 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-12012/119/2012 (IR(B-I)) dt. 17/04/2013. The dispute under reference related to :-

"Whether the action of the management of State Bank of India, Laundi Branch Distt. Chhatarpur (MP) in terminating the services of Shri Ravindra Kumar Nai S/o Ram Kishore, Ex- daily wages employee w.e.f. 5.10.2010, is legal and justified? If not, what relief the workman is entitled to?"

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them. They appeared and filed their respective statements of claim and defence.

Case of the workman, in his statement of claim, is mainly that he was engaged by management as a casual labour on the post of water man cum messenger, in the year 1995 and worked there. October 5, 2010, when his services were dispensed by management without any notice or compensation. It is further, his case that he worked for more than 240 days in every year, including the year preceding the date of his termination. The action of management terminating the services is against section 25F and 2 5G of the Industrial Disputes Act 1947, hereinafter referred to by the word 'the Act.' The Workman has further stated that after the management terminating the services, he filed a Writ Petition number 17883/2011, which was decided by High Court of MP at Jabalpur wide order dated October 19, 2011 directing the management to consider the request of the applicant Workman sympathetically. The respondent management decided his reputation vide, letter dated December 22, 2011 and refused to reinstate him disclosing false and fabricated reasons for termination. Accordingly, the workman has prayed, his reinstatement with back wages and benefits, holding his disengagement against law.

The case of management, as taken in their written statement of defence is mainly that the applicant Workman was engaged by management as a daily wage casual labour to work to supply water to the management Bank for its customers. According to management, the applicant was never engaged in any capacity of water man, or messenger at any time by the management Bank. He was never disengaged by the management Bank from October 5, 2010 as a stated by him. He never completed 240 days in any year, including the year preceding the date of his terminal alleged termination. He himself left the job and his conduct towards customers was also not good. It is further, the case of management that the Bank has certain rules regarding recruitment of its employees and the applicant was never engaged against any regular vacancy following recruitment procedure. According to management, when ever any work was taken from the applicant Workman, he was paid for it. The management also states that the workman filed a representation along with the order of Hon'ble High Court dated October 19, 2011, as mentioned earlier, which was duly considered by management and was rejected keeping in view his earlier. Behavior with the customers. Accordingly, management has prayed that the reference be answered against the applicant Workman.

In evidence, the workman has filed his affidavit as his examination in chief. He has been cross-examined by management. He has also filed photocopy of order of Hon'ble High Court, letter of management. Rejecting his representation which are Ex W1 & W2. He has proved his original Bank passbook as Ex W3.

Management has filed the affidavit of its witness Manish Pachori who has been cross-examined from the side of applicant Workman. Management has proved Ex M1 (149 pages) which are the claims of the applicant Workman, which he put up for payment. Regarding supply of different cans of water on different dates within the period 2001, January 1 to March 31st, 2009.

I have **heard argument** of learned counsel for the workman, Mr Manoj Chandrarkar and Mr Vijai Kumar Tripathi, learned counsel for management Bank. I have gone through the record as well.

On perusal of record in the light of rival arguments, following issues come up for determination in the case in hand. They are as follows –

- 1- **whether the Workman completed 240 days in continuous service of the management in any year, including the year preceding the date of his termination ?**
- 2- **whether the Workman was illegally terminated by management ?**
- 3- **whether the Workman is entitled to any relief ?**

Issue number one-

Before entering into discussion on this issue. Section 25B of the Act is being reproduced as follows –

Section 25 B:-

Definition of continuous service.- For the purposes of this Chapter,--

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer-

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-

- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
- (ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-

- (i) ninety-five days, in the case of a workman employed below ground in a mine; and
- (ii) one hundred and twenty days, in any other case.

In his examination in chief on affidavit on this issue, the workman has stated that he worked as messenger cum water man from December 23, 1900 95 as a daily wager. He was employed by the then Branch Manager. After seeking the approval from Headquarter. He worked in different capacities namely properly placing the records of the Bank on date wise. He was also engaged in the job of attaching slips with the currency note bundles, counting the notes and preparing the bundles in the Cash room, also acted as messenger for the branch. Taking the different documents to different Branches of the management Bank and Treasury. He was also engaged in fetching water to the Bank's staff and customers. He worked in this capacity for 240 days and more in every year, including the year preceding the date of his termination. Offices of the branch Next By Have a As a water man cum Messenger to fetch water and provide drinking water to the customers of the Bank.

He has been cross-examined by management. He has stated in his cross-examination that he was not sponsored by any Employment Exchange. He was issued an appointment letter which he has missed. He admits that he did not follow any recruitment procedure. He also admits that there was no vacancy notified for the job. Also, he admits that the then Branch Manager asked him whether he was willing to work in the Bank and the concerned that thereafter, he was engaged by the management Bank. Also, he admits that he worked as a daily wager for which he was paid.

The initial burden to prove the fact that the Workman has worked for a period of 240 days or more is on the workman who claims it. There is no documentary evidence to support the claim of the workman and his this statement on oath as referred to above. It comes out from record that the workman filed an application seeking direction to management to file or regional documents that is the payment vouchers from 1995 to 2010, daily wages. Register from 2007 to October 5, 2010 and petty cash registers from 1999 to 2006. This application dated July 28, 2014 was disposed by my Learned Predecessor in the light of objections of management Bank wide his order dated May 14,

2015. The management was directed to produce payment vouchers only keeping in view the case of management that the other two documents had been weeded out as per rules. The management did file the claims filed by the Workman, with the management for payment which are 149 in number and are marked Ex M1. They are from 2001 to March 2009. Perusal of these documents reveals that the Workman filed applications for payment of supply of cans of water different in number on different days. Hence, this document also does not support the case of the applicant Workman on his regular engagement for 240 days in any year, rather these documents show that the applicant Workman was supplying water to the management Bank for which he laid claims and was paid. On the other hand, management witness has supported the claim of management on this issue. He has been cross-examined from the Workman side. There is nothing in his cross-examination to discredit him.

Hence, on the basis of above discussion, the claim of the applicant Workman that he worked with the management, in any capacity for a period of 240 days and more in any year, including the year preceding the date of his termination is held not proved and issue number one is answered accordingly.

Issue number two-

Section 25F and 25G of the Act are being reproduced as follows –

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of continuous service] or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government 3[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

25G. Procedure for retrenchment.- Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

In the light of findings recorded in issue number one, the disengagement of the applicant Workman is held not unjustified in law and this issue is answered accordingly.

Issue number three -

On the basis of findings recorded on issue number one and two, the applicant Workman is held entitled to know relief and this issue is answered accordingly.

In the light of the findings recorded till now, the reference is answered against the Workman.

AWARD

The action of management of State Bank of India in terminating the services of Ravindra Kumar Nai with effect from October 5, 2010 is a held legal and justified and the Workman is held entitled to no relief.

No order as to cost.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer

DATE: 12/02/2024

नई दिल्ली, 2 मई, 2024

का.आ. 821.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हाँक कैटिन सीएसडी शंकरगढ़ के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (83/2019) प्रकाशित करती है।

[सं. एल-12025/01/2024 -आई.आर. (बी-1)-156]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 821.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 83/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Hawk Canteen CSD Shankargarh and their workmen.

[No. L-12025/01/2024 – IR (B-I)-156]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/83/2019****Present: P.K.Srivastava****H.J.S..(Retd)**

**Shri Raghuvir Singh S/o. Mulu Dhanak,
Ex-Gardener, Resident C/o. Shri Shyamlal U.K.,
House Number 13, Shivram Complex,
Behind Nobel College, Rajakhedi, Makronia,
Saugor (Madhya Pradesh)**

Workman**VERSUS**

**The J.C.O. (Col.), Office Incharge,
Hawk Canteen, CSD, Shankargarh,
Saugor (Madhya Pradesh)**

Management**AWARD****(Passed on this 18Th day of January 2024.)**

As per letter dated 10/12/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number J-1(2-8)/2019-IR dt.10/12/2019 . The dispute under reference related to :-

"क्या प्रबंधन जे.सी.ओ. (कर्मल) आफिसइंचार्ज, हाककेन्टीन, सीएसडी, शंकरगढ़, सागर मण्डल के प्रबंधन द्वारा श्री रघुवीर सिंह आत्मज श्री मुलू धानक, भूतपूर्व माली/हाउसकीपर को वर्ष 1990 से कार्य पर रखे जाने पश्चात् उसकी सेवाएं नियमित न करते हुये दिनांक 31.03.2019 से सेवाएं समाप्त किये जाने की कार्यवाही न्यायोचित है? यदि नहीं तो, संबंधित आवेदक कित अनुतोष के हकदार है?"

1. After registering the case on the basis of the reference received, Notices were issued to the parties and where duly served on them.
2. The Workman appeared and filed his statement of claim, wherein he stated that he was first engaged with the management as a gardener in the year 1990 and has been continuously working with management till March 31, 2019, when his services were dispensed with by management without any notice or compensation. According to the workman he was paid his wages on monthly basis, along with the increased wages and also bonus during this period, the management started the Civil employee welfare fund account of the workman in the year 2018 . The management did deposit amount in his this account after deducting from his wages. He was being paid wages, at the rate of Rs. 9000/- per month when he was disengaged by management on March 31, 2019. According to the workman. He has worked continuously with management for 27 years and has been unjustly disengaged, which is in violation of section 25F, 25G 25H and 25N of Industrial Disputes 'Act' 1947, hereinafter referred to by the word 'Act'. He raised a dispute in this respect, in which

conciliation between the parties failed and hence this reference, the workman has accordingly sought the relief of his reinstatement with all back wages and benefits, holding his disengagement against the 'Act'.

3. The management filed its appearance, but never filed any written statement of defense. Letter on the management absented itself in the proceedings. Hence, the reference proceeded ex parte against management wide order dated September 1, 2022.
4. In evidence, the workman filed his affidavit corroborating his case, which is uncontroverted. He further filed some original and photocopy documents with affidavit. No evidence in form of any affidavit filed by management.
5. At this stage of argument also, none was present for management. Hence I have heard argument of the workman in person. I have also gone through the record.
6. The reference itself is the issue in this case, for determination

Before proceeding, following provisions require to be mentioned here which are as follows-

7. 25B- Definition of continuous service-For the purposes of this Chapter.—

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has 'Actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has 'Actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

Explanation.—For the purposes of clause (2), the number of days on which a workman has 'Actually worked under an employer shall include the days on which—

(i) He has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) 'Act', 1946 (20 of 1946), or under this 'Act' or under any other law applicable to the industrial establishment;

(ii) He has been on leave with full wages, earned in the previous year;

(iii) He has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) In the case of a female, she has been on maternity leave; so however, that the total period of such maternity leave does not exceed twelve weeks.]

8. 25F- Conditions precedent for retrenchment- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) The workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

(b) The workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay [for every completed year of continuous service] or any part thereof in excess of six months; and

(c) Notice in the prescribed manner is served on the appropriate Government [or such authority as may be specified by the appropriate Government by notification in the Official Gazette]

9. In his uncontroverted affidavit, the workman has corroborated his case as mentioned above. He has thus discharged the initial burden to prove his claim. In absence of any evidence from the side of management, there is no occasion to disbelieve the case of the workman. Accordingly, holding the case of the workman proved his disengagement is held in violation of the 'Act'.
10. In the light of findings recorded above, the question arises here as to what relief the Workman is entitled. The engagement of the workman from 1990 to 2019 as a casual labour has been held proved. He has sought the relief of his reinstatement.
11. Judgement of Hon'ble Supreme Court in the case of *Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324 are being reproduced as follows-

This extract is taken from *Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324 : (2014) 2 SCC (L&S) 184 : 2013 SCC OnLine SC 719 at page 354

37. After noticing several precedents to which reference has been made hereinabove, the two-Judge Bench observed : (*J.K. Synthetics case* [(2007) 2 SCC 433 : (2007) 1 SCC (L&S) 651] , SCC pp. 448-50, para's 17-21)

"17. There is also a misconception that whenever reinstatement is directed, 'continuity of service' and 'consequential benefits' should follow, as a matter of course. The disastrous effect of granting several promotions as a 'consequential benefit' to a person who has not worked for 10 to 15 years and who does not have the benefit of necessary experience for discharging the higher duties and functions of promotional posts, is seldom visualised while granting consequential benefits automatically. Whenever courts or tribunals direct reinstatement, they should apply their judicial mind to the fact's and circumstances to decide whether 'continuity of service' and/or 'consequential benefits' should also be directed.

18. Coming back to back wages, even if the court finds it necessary to award back wages, the question will be whether back wages should be awarded fully or only partially (and if so the percentage). That depends upon the facts and circumstances of each case. Any income received by the employee during the relevant period on account of alternative employment or business is a relevant factor to be taken note of while awarding back wages, in addition to the several factors mentioned in *Rudhan Singh [Haryana Roadways v. Rudhan Singh]*, (2005) 5 SCC 591 : 2005 SCC (L&S) 716] and *Uday Narain Pandey [U.P. State Brassware Corpn. Ltd. v. Uday Narain Pandey]*, (2006) 1 SCC 479 : 2006 SCC (L&S) 250] . Therefore, it is necessary for the employee to plead that he was not gainfully employed from the date of his termination. While an employee cannot be asked to prove the negative, he has to at least assert on oath that he was neither employed nor engaged in any gainful business or venture and that he did not have any income. Then the burden will shift to the employer. But there is, however, no obligation on the terminated employee to search for or secure alternative employment. Be that as it may.

19. But the cases referred to above, where back wages were awarded, related to termination/retrenchment which were held to be illegal and invalid for non-compliance with statutory requirements or related to cases where the Court found that the termination was motivated or amounted to victimisation. The decisions relating to back wages payable on illegal retrenchment or termination may have no application to the case like the present one, where the termination (dismissal or removal or compulsory retirement) is by way of punishment for misconduct in a departmental enquiry, and the court confirms the finding regarding misconduct, but only interferes with the punishment being of the view that it is excessive, and awards a lesser punishment, resulting in the reinstatement of employee. Where the power under Article 226 or Section 11-A of the Industrial Disputes 'Act' (or any other similar provision) is exercised by any court to interfere with the punishment on the ground that it is excessive and the employee deserves a lesser punishment, and a consequential direction is issued for reinstatement, the court is not holding that the employer was in the wrong or that the dismissal was illegal and invalid. The court is merely exercising its discretion to award a lesser punishment. Till such power is exercised, the dismissal is valid and in force. When the punishment is reduced by a court as being excessive, there can be either a direction for reinstatement or a direction for a nominal lump sum compensation. And if reinstatement is directed, it can be effective either prospectively from the date of such substitution of punishment (in which event, there is no continuity of service) or retrospectively, from the date on which the penalty of termination was imposed (in which event, there can be a consequential direction relating to continuity of service). What requires to be noted in cases where finding of misconduct is affirmed and only the punishment is interfered with (as contrasted from cases where termination is held to be illegal or void) is that there is no automatic reinstatement; and if reinstatement is directed, it is not automatically with retrospective effect from the date of termination. Therefore, where reinstatement is a consequence of imposition of a lesser punishment, neither back wages nor continuity of service nor consequential benefits, follow as a natural or necessary consequence of such reinstatement. In cases where the misconduct is held to be proved, and reinstatement is itself a consequential benefit arising from imposition of a lesser punishment, award of back wages for the

period when the employee has not worked, may amount to rewarding the delinquent employee and punishing the employer for taking action for the misconduct committed by the employee. That should be avoided. Similarly, in such cases, even where continuity of service is directed, it should only be for purposes of pensionary/retirement benefits, and not for other benefits like increments, promotions, etc.

20. But there are two exceptions. The first is where the court sets aside the termination as a consequence of employee being exonerated or being found not guilty of the misconduct. Second is where the court reaches a conclusion that the inquiry was held in respect of a frivolous issue or petty misconduct, as a camouflage to get rid of the employee or victimise him, and the disproportionately excessive punishment is a result of such scheme or intention. In such cases, the principles relating to back wages, etc. will be the same as those applied in the cases of an illegal termination.

21. In this case, the Labour Court found that a charge against the employee in respect of a serious misconduct was proved. It, however, felt that the punishment of dismissal was not warranted and therefore, imposed a lesser punishment of withholding the two annual increments. In such circumstances, award of back wages was neither automatic nor consequential. In fact, back wages was not warranted at all."

38. The propositions which can be culled out from the aforementioned judgments are:

38.1. In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

38.2. The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

38.4. The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes 'Act', 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.

38.5. The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimising the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always keep in view that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

38.6. In a number of cases, the superior courts have interfered with the award of the primary adjudicatory authority on the premise that finalisation of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer i.e. the employee or workman, who can ill-afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in *Hindustan Tin Works (P) Ltd. v. Employees* [Hindustan Tin Works (P) Ltd. v. Employees, (1979) 2 SCC 80 : 1979 SCC (L&S) 53] .

38.7. The observation made in *J.K. Synthetics Ltd. v. K.P. Agrawal* [(2007) 2 SCC 433 : (2007) 1 SCC (L&S) 651] that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three-Judge Benches [*Hindustan Tin Works (P) Ltd. v. Employees*, (1979) 2 SCC 80 : 1979 SCC (L&S) 53] , [*Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court*, (1980) 4 SCC 443 : 1981 SCC (L&S) 16] referred to hereinabove and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman.

In the light of the aforesaid facts and circumstances, the Workman is held entitled to be reinstated in the same capacity in position in which he was working before his disengagement, but without back wages. He is also held

entitled to Rs 10000/- as litigation cost, to be paid by management to him within 30 days from the date of publication, failing which interest at the rate of 10% per annum.

The reference is answered accordingly.

AWARD

The Workman is held entitled to be reinstated in the same capacity in position in which he was working before his disengagement, but without back wages. He is also held entitled to Rs 10000/- as litigation cost, to be paid by management to him within 30 days from the date of publication, failing which interest at the rate of 10% per annum.

P.K.SRIVASTAVA, Presiding Officer

DATE: 18/01/2024

नई दिल्ली, 2 मई, 2024

का.आ. 822.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी.एम.आर.सी. सीसी-02 परियोजना, सेक्टर-18, रोहिणी दिल्ली; जे. कुमार इंफ्राप्रोजेक्ट लिमिटेड, सीवेज पंपिंग स्टेशन, रोहिणी सेक्टर-19, दिल्ली; जे. कुमार इंफ्राप्रोजेक्ट लिमिटेड.16-ए, अंधेरी इंडस्ट्रियल एस्टेट, वीरा देसाई रोड, अंधेरी (डब्ल्यू), मुंबई, के प्रबंधन के संबद्ध नियोजकों और (आई.डी. नं. 110/2015, श्री आलोक नंदन शर्मा), (आई.डी. नं. 113/2015, श्री जरनेल सिंह), और (आई.डी. नंबर 114/2015, श्री दिनेश कुमार सिंह), कामगार, द्वारा - राष्ट्रीय मजदूर संघ, शाहदरा, दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 110,113 & 114 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -67-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 822.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 110,113 & 114 OF 2015) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **D.M.R.C. CC-02 project, Sector-18, Rohini Delhi ; J. Kumar Infraproject Ltd., Sewage pumping station, Rohini Sector-19, Delhi ; J. Kumar Infraproject Ltd.16-A, Andheri Industrial Estate, Veera Desai Road, Andheri (W), Mumbai, and (I.D. No. 110/2015, Shri Alok Nandan Sharma), (I.D. No. 113/2015, Shri Jarnel Singh), and (I.D. No. 114/2015, Shri Dinesh Kumar Singh), Worker, Through-Rashtriya Majdoor Shang, Shahdara, Delhi**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -67- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 110/2015

Sh. Alok Nandan Sharma, S/o Sh. Dev Nandan Sharma,

Through- Rashtriya Majdoor Sangh,

157, Partap Khand Vishwakarma Nagar, Shahdara, Delhi- 110095.

I.D. No. 113/2015

Sh. Jarnel Singh, S/o Sh. Seva Singh,

Through Rashtriya Majdoor Shang,

157, Partap Khand Vishwakarma Nagar, Shahdara, Delhi -110095

I.D. No. 114/2015

Sh. Dinesh Kumar Singh, S/o Sh. Ishwer Dayal Singh

Through Rashtriya Majdoor Shang,

157, Partap Khand Vishwakarma Nagar, Shahdara, Delhi -110095

VERSUS

- 1. D.M.R.C. Cc-02 project,
Sector-18,
Rohini Delhi -110042**
- 2. J. Kumar Infraproject Ltd., Sewage
pumping station, Rohini Sector-19,
Delhi-110085**
- 3. J. Kumar Infraproject Ltd.
16-A, Andheri Industrial Estate, Veera
Desai Road, Andheri (W), Mumbai-40053,
India**

AWARD

These are the three cases filed by the different workmen against the same managements. Having common respondents and same cause of action, these cases are taken together for purpose of recording the proceedings.

Record perused. On last date of hearing, statement of both AR for the workman as well as for M-2 had been recorded that the matter has been settled between the parties for Rs. 50,000/- to each of the workmen. As counsel for management-2 sought time for confirmation of payment, matter was listed for today. AR for the workman confirmed that payment has been received through cheque in their accounts.

In view of the above said facts, claim of the workmen stands satisfied against M-2 and they have nothing to do with their claim against M-1 & M-2. Settlement award is passed accordingly. Copies of this award are sent to the appropriate government for notification as required U/S 17 of the ID act 1947. Files are consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 16th April, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 823.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्वालिटी असेसमेंट लैबोरेट्रीज, नरेला, दिल्ली; मैसर्स एवेंजर सिक्वोरिटी, न्यू पटेल नगर, मेट्रो अस्पताल के पास, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और (आई.डी. नं. 198/2018, श्री जगबीर सिंह), (आई.डी. नं. 199/2018, श्री संदीप कुमार), कामगार, द्वारा- ऑल इंडिया जनरल कामगार यूनियन, शकरपुर, दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 198 & 199 OF 2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -68-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 823.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 198 & 199 OF 2018) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Quality Evaluation Laboratories, Narela, Delhi; M/s. Avenger Security, New Patel Nagar, Near Metro Hospital, New Delhi, and (I.D. No. 198/2018, Shri Jagbir Singh), (I.D. No. 199/2018, Shri Sandeep Kumar), Worker, Through- All India General Kamgar Union, Shakarpur, Delhi**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -68– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 198/2018

Sh. Jagbir Singh, S/o Sh. Girwar Singh

**Address:- R/o House no.- P-11, Gandhi Ashram Pana Paposian, Narela,
Delhi- 110040.**

**Through- All India General Kamgar Union,
U-90, Shakarpur, Delhi-110092.**

I.D. No. 199/2018

Sh. Sandeep Kumar, S/o Sh. Mange Ram,

R/o- 59, Nai Basti Pana, Mamoor Pur, Delhi- 110040.

**Through- All India General Kamgar Union,
U-90, Shakarpur, Delhi-110092.**

VERSUS

- 1. Quality Evaluation Laboratories,
Spice Board, Plot No.- 5, Sector- 7,
Near Ramleela Ground- Narela, Delhi- 110040.**
- 2. M/s. Avenger Security
2151/3A/2A, Ground Floor, New Patel Nagar,
Near Metro Hospital, New Delhi-110008.**

AWARD

These are the two cases U/S 2A of the I.D Act filed by the different workmen against the same management. Having common respondents and same cause of action, these cases are taken together for disposal of these cases.

Claims of the claimants are that they were appointed by the management at the post of Security Guards and clerk through management-2 at their last drawn salary of Rs. 7000/- and 10920/- respectively. They have honestly worked with the management and no complaints of any kind were made of them. The management, as established practice, obtained signatures on several papers as a precondition (eligibility) to get service from the entire working staff without any exception. If someone ignores to do so the management disallowed and disqualified him as an aspirant of service. During the services, management was not maintaining the muster roll, service record and not providing the legal benefits in terms of grant by Delhi Administration like minimum wages, Provident Fund, Bonus etc. The management also grabs signatures in the name of providing Provident Fund every year. When the workmen reached at his workplace and requested the management to provide the minimum wages, as they are facing enormous trouble to face the spirally-price-rise but the management threatened the workmen. When workmen reached the workplace they were terminated from their services by the management on 28.02.2018 and 01.02.2018 respectively. They send the demand notice to the management to take them on duty, but the management denied. They had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, They have filed the present claims.

Management-1 had filed the W.S and it had denied the relationship of an employer and employee. It is his case that management-1 had entered into agreement with management-2 from 1st December, 2016 to 30th November, 2017 for providing one cleaner, two clerks, one electrician and two cleaners at the office of the respondent-1.

Workmen were directed to furnish the correct address of the management-2, but they had not furnished. Therefore, the proceeding against management-2 is hereby dropped.

Issues have already been framed vide order dated 17.09.2019. After framing the issues, no one appeared on behalf of both the parties. Even, workmen have not appeared to substantiate their claims.

In these circumstances when the workmen have not led any evidence to substantiate their claims, their claims are resulted into dismissal. Their claim stand dismissed. Award is passed accordingly. Copies of these awards are sent to appropriate government for notification under section 17 of the I.D. Act. Files are consigned to record room. A copy of this order is placed in each of the file.

ATUL KUMAR GARG, Presiding Officer

09th April, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 824.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनटीपीसी लिमिटेड, एनटीपीसी भवन, लोधी रोड, नई दिल्ली; एनटीपीसी लिमिटेड (सीएमडी) गेस्ट हाउस, नीति बाग, नई दिल्ली; आर.एस. सुरक्षा एजेंसी, महावीर विहार, द्वारका, सेक्टर-01, नई दिल्ली; 3061/संजय कुमार सुरक्षा एजेंसी, कल्याणपुरी, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री नंदन सिंह रौतेला, कामगार, द्वारा- समस्त दिल्ली कर्मचारी संघ, दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 94 OF 2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -69-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, 2nd May, 2024

S.O. 824.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 94 OF 2019) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to NTPC Ltd. NTPC Bhawan, Lodhi Road, New Delhi ; NTPC Ltd. (CMD) Guest House, Niti Bagh, New Delhi; R.S. Security Agency, Mahaveer Vihar, Dwarka, Sector-01, New Delhi ;3061/Sanjay Kumar Security Agency, Kalyanpuri, New Delhi, and Shri Nandan Singh Routela, Worker, Through- Samast Delhi Karamchari Union, New Delhi, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -69– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 94/2019

Sh. Nandan Singh Routela

Through-Samast Delhi Karamchari Union,

Affiliated to Rashtriya Mazdoor Singh, 52-C, Okhla Estate,

Phase-III, New Delhi-110020.

VERSUS

1. NTPC Ltd. NTPC Bhawan, Scope Complex, 7 Institutional Area,

Lodhi Road, New Delhi-110003.

2. NTPC Ltd. (CMD) Guest House, House No.- A5 Niti Bagh New Delhi-110049.

1. R.S. Security Agency, RZ-C-76, Mahaveer Vihar, Dwarka Sector-01,

New Delhi-110076.

2. 3061/Sanjay Kumar Security Agency,

B.D. – 40, DSIDC Complex, Kalyanpuri,

New Delhi-110091.

AWARD

This is the case filed by the workman against the management U/S 2A of the I.D Act. This case is taken for disposal.

Claimant case is that he was appointed as Security Guard with the management at the last drawn salary of Rs. 21,537/- per month. He did his duty with sincerity and honestly and did not give any chance to complain to anyone. Management-1 had appointed them through management-4 and this fact has been opposed by the claimant. Only for this reason management had terminated his service on 11.08.2017, after stopping his wages for two month i.e. from 01.01.2017 to 31.03.2017. He had sent the demand letter to the management by speed post on 24.09.2018 with the request to take them on duty, however,

management did not take him on duty. He had also filed his claim with the Assistant Labour commissioner, but, there also nothing was yielded. Hence, he filed the claim here with the request that his termination be declared illegal and he be taken back on duty with full back wages.

Respondents have appeared and filed their respective W.S. Management-1 & 2 have denied the relationship of employer and employee. It is his case that management-1 & 2 had entered into agreement dated 01.04.2017 with Sanjay Kumar Security Agency i.e. Respondent-4 for providing security/surveillance and allied services to NTPC during the period 01.04.2017 to 31.03.2019. The management-1 & 2 never got any papers or vouchers, etc. signed from the claimants.

Respondents no.-3 is already proceeded ex-parte vide order dated 22.10.2019.

The establishment of the management-4 is a law abiding and always works within the frameworks and guidelines as prescribed by **Directorate General Resettlement Ministry of Defence (DGR)**. The leveling allegation against the Security Agency are baseless as the establishment has always maintained an attendance sheet, leave book and salary/wages register. Furthermore all the guards are issued identity cards as per guidelines. The establishment/Agency is registered with DGR and is bound only to deploy Ex-Army personnel. It has been specifically mentioned in the guidelines by the management-2 that only 10% civilians are allowed to be deployed by the agencies who secures the contract. It is submitted that NTPC had abolished few post for security deployment when the notice was served to the petitioners they had denied to accept the same and therefore on their part the security agency had sent the notice to the registered addresses of the petitioner by post. Petitioners wanted to voluntarily withdraw the PF and for that purpose he gave their handwritten resignation letter. Since the post of security guards were decreased by the principal employer. Management-2 has always provided all types of prescribed benefits like salaries, wages, bonus, HRA etc. every month through cheques to all his employees. Respondent-2 deployed claimants for requisite services. He submits that claims of the claimants qua him be dismissed.

Issues have already been framed vide letter dated 16.03.2020. As per record, for the last four year, workman has not led any evidence to prove his claim. Hence, his evidence stands closed.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. His claim stands dismissed. Award is passed accordingly. File is consigned to record room. A Copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

03rd April, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 825.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, भारती एयरटेल लिमिटेड, नई दिल्ली; निर्देशक, भारती एयरटेल सर्विसेज लिमिटेड, सुल्तानपुर, नई दिल्ली; ठेकेदार, अल्काटेल ल्यूसेंट नेटवर्क सर्विसेज इंडिया लिमिटेड डीएलएफ साइबर ग्रीन सिटी, चरण 3, गुडगांव, के प्रबंधन के संबद्ध नियोजकों और (आईडी नंबर 15/2014, श्री विनोद कुमार), (आईडी नंबर 17/2014, श्री शाहिद खान), कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 15& 17 OF 2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -70-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 825.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15 & 17 OF 2014) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Bharti Airtel Ltd., New Delhi; The Director, Bharti Airtel Services Ltd., Sultanpur, New Delhi ; The Contractor ,Alcatel Lucent Network Services India Ltd., DLF Cyber Green City, Phase 3, Gurgaon, and (I.D. No. 15/2014, Shri Vinod Kumar), (I.D. No. 17/2014, Shri Shahid Khan), Worker**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -70– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 15/2014

Sh. Vinod Kumar, S/o Sh. Ramgopal,

L-179, Camp No.-3,

Nangloi,

New Delhi- 110041

I.D. No. 17/2014

Sh. Shahid Khan,

T-378, Mangolpuri,

New Delhi,

New Delhi-110083

VERSUS

1. The Director

Bharti Airtel Ltd.

Plot no. 224, Okhla Industrial Estate

Phase-3, New Delhi-110020

2. The Director

Bharti Airtel Services Ltd.

Corporate Centre, Neelgagan Mandi,

Sultanpur, New Delhi-110030

3. The Contractor**Alcatel Lucent Network Services India Ltd.****15th Floor, Tower-C, DLF Cyber Green City,****Phase 3, Gurgaon-12206****AWARD**

Government of India, Ministry of Labour/ Shram Mantralaya has sent the two references in regard to the two workmen dated 17.02.2014 and 10.02.2014 to this tribunal for adjudication. Both the references have been similarly worded in the following words:

“Whether the transfer of the workmen from one parent company i.e. Bharti Comtel Ltd. To Telesonic Network Ltd. Through Bharti Airtel Services Ltd. and Alkatel Lusent Network management Services India Ltd. within a span of 07 years without explaining any purpose and reasoning to the workman Sh. Shahid Khan and Vinod Kumar are just Fair and Legal? If not, what relief the workmen concerned are entitled to ?

After receiving the said reference, notices were issued to both the parties. Both parties had appeared. Claimants had filed their claim statement before this tribunal.

Respondent had filed the reply and denied the employer and employee relationship between the workman and him.

Rejoinder has also been filed by the claimants to the W.S of the management wherein, he had denied the averment made by the management and affirmed the averment made in the claim. Issues have already been framed vide letter dated 08.11.2016. Since for the last eight year workmen have not led any evidence to prove their claims. Finally vide order dated 18.04.2023, their right to adduce evidence was closed by this tribunal.

In these circumstances when the workmen have not led any evidence to substantiate their claims, their claims are resulted into dismissal. Their claim stand dismissed. Award is passed accordingly. Copies of these awards are sent to appropriate government for notification under section 17 of the I.D. Act. Files are consigned to record room. A copy of this order is placed in each of the file.

ATUL KUMAR GARG, Presiding Officer

02nd April, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 826.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रजिस्ट्रार, दिल्ली विश्वविद्यालय, दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री रवि कुमार, कामगार, द्वारा - महासचिव, दिल्ली मजदूर संघ, तीस हजारी, दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 18 OF 2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -71-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 826.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18 OF 2019) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Registrar, University of Delhi, Delhi, and Shri Ravi Kumar, Worker, Through- The General Secretary, Delhi Labour Union, Tis Hazari, Delhi,**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -71– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 18/2019

Sh. Ravi Kumar, S/o Late Sh. Mahavir Prasad,
Through- General Secretary, Delhi Labour Union,
Agarwal Bhawan, G.T. Road, Tis Hazari,
Delhi- 110006.

VERSUS

The Registrar,
University of Delhi, Delhi- 110007.

AWARD

The **Deputy Director, Sh. Rajendra Joshi** has sent the reference refer dated 10.01.2019 to this tribunal for adjudication in the following words:

“Whether the claimant Sh. Ravi Kumar son of Mahavir Prasad is entitled for employment on compassionate ground with the management of University of Delhi? If yes, what direction are necessary in this respect?”

After receiving the above said reference notices were sent to both the parties. Both the parties appeared and claimant had filed his claim statement mentioning the fact that Sh. Mahavir Prasad (now deceased) joined into the employment of the management as Sanitary Guide and he was regular employee with the management. He was lastly posted as Sanitary Guide at South Delhi Campus and he expired on 21.03.2007 due to cancer leaving behind the following heir that is given below:-

<u>Name</u>	<u>Relation</u>
1. Smt. Ram Rati	Wife (expired on 20.08.2011)
2. Smt. Sita, W/o Sri Om	Daughter
3. Rita, W/o Sh. Sant ram	Daughter
4. Smt. Poonam, W/o Sh. Anil	Daughter
5. Ravi Kumar	Son

After the death of Sh. Mahavir Prasad, the workman namely Sh. Ravi Kumar who is son of late Sh. Mahavir Prasad approached the management regarding his appointment on compassionate ground. After long persuasion, the management issued a letter dated 15.02.2013 to Sh. Ravi Kumar in which he was informed that his interview will be taken on 21.02.2013 regarding his appointment on compassionate ground. On 21.02.2013 Sh. Ravi Kumar appeared and his interview was taken by the management but he had not been informed about the position regarding his appointment on compassionate ground. That as such till date the management has not done anything on the request of the workman for his appointment. The said action on the part of the management is totally illegal, bad, unjust, malafide. The deceased workman was the sole bread earner in the family and after his death, he left behind his family in total harness. The applicant workman Mr. Ravi Kumar is totally unemployed. The demand notice was also served upon the management by Regd. AD vide communication dated 16.08.2017 which was duly received in their office, but no reply has been received and it is presumed that the demand has been rejected. He had gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim.

W.S has been filed by the management and it had denied the relationship of employer and employee. He stated that the father of the claimant namely Sh. Mahavir Prasad (now deceased), had joined as a Sanitary guide at South campus, Delhi University on 08.08.2003 and has unfortunately expired on 21.03.2007 as informed by his wife namely Smt. Ramrati vide her letter dated 23.04.2007. Though, a letter was received from the claimant in the year 2011, however the same could not be considered as his name was not there in the service records of his father, however the name of the claimant was added in the service records of the deceased only on 24.02.2012 and the answering management has never received any request for appointment of the claimant on compassionate ground. The management has responded vide its reply dated 07.10.2017 to the legal notice dated 16.08.2017 of the workman in this regard. He says that claim of the claimant is liable to be dismissed.

Issues have already been framed vide order dated 11.02.2020. Workman has filed the affidavit of its evidence. Thereafter, workman has not been appearing since long to substantiate his claim.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. Claim of the claimant stands dismissed. Award is passed accordingly. A Copy of this award is

sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 09.04.2024

नई दिल्ली, 2 मई, 2024

का.आ. 827.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राष्ट्रीय लघु उद्योग निगम (पीई), ओखला चरण-III, नई दिल्ली; अश्विनी कुमार शुक्ला सुरक्षा एजेंसी (ठेकेदार), सेक्टर - 23, द्वारका, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और (आई.डी. नं. 181/2018, श्री सुनील कुमार), (आई.डी. नं. 92/2018, श्री कृष्ण सिंह), कामगार, द्वारा - जनरल मजदूर ट्रेड यूनियन, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 181 & 92 OF 2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -72-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 827.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 181 & 92 OF 2018) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Small Industries Corporation (PE), Okhla Phase- III, New Delhi; Ashwini Kumar Shukla Security Agency (Contractor), Sector-23, Dwarka, New Delhi, and (I.D. No. 181/2018, Shri Sunil Kumar), (I.D. No. 92/2018, Shri Krishan Singh), Worker, Through- The General Mazdoor Trade Union, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -72- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 181/2018

Sh. Sunil Kumar, S/o Sh. Shyam Singh

Address:- R/o House no.-D-2, J.J. Colony, Madanpur Khadar, Sarita Vihar, New Delhi-110076.

I.D. No. 92/2018

Sh. Krishan Singh, S/o Sh. Roshan Singh,

R/o Village & Post Office- Rajawali, Thana- Narakhi, District- Firozabad, U.P.

Through- General Mazdoor Trade Union,

Address:- S-195/076, Shiv Mandir, Opp. Old Labour Office, Balmukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

VERSUS

- 1. National Small Industries Corporation (PE), NSIC Bhawan, Okhla Phase- III, New Delhi-110020.**

2. **Ashwini Kumar Shukla Security Agency (Contractor),**
House of Rohtas, New Line in front of Holi Chowk,
Village- Puchanpur, Sector-23, Dwarka,
New Delhi-110077.

AWARD

These are the two cases filed by the different workmen against the same management. Having common respondents and same cause of action, these cases are taken together for disposal of these cases. Claims of the claimants are that they were appointed by the management at the post of Security Guards at their last drawn salary of Rs. 21,500/- and 24,900/- respectively. They have honestly worked with the management and no complaints of any kind were made against them. During the services, management had not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, weekly and events holidays etc. Management got annoyed with the demands raised by the claimants and had been thrown them out from the services of the management on 10.01.2018 and 30.10.2017 respectively. They had tried to take back their services but failed. They had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, They have filed the present claims.

Management-1 & 2 had filed their W.S. Management-2 i.e. Ashwini Kumar Shukla Security Agency (contractor) denied the relationship of employer and employee. Even, Management-1 had submitted that the applicant/claimant has played a fraud in filing the present false and fabricated documents in order to extort money and to blackmail the answering parties, hence the claimant is not entitled for any relief and the present claims are liable to be dismissed.

Rejoinders have been filed by the claimants affirming the facts mentioned in their claim statement and denied the averments made by the respondents in their respective W.S. After completing the pleadings following issues have been framed vide order dated 21.12.2018 which are given below:-

1. If the proceedings is maintainable.
2. If there exists any employer employee relationship between the workmen and management-1 i.e. NSIC.
3. If the workmen are entitled to reinstatement with all service benefit and back wages.
4. To what other relief the parties are entitled to.

In order to substantiate their claims workmen asked to examine themselves at least. Both the workmen had filed their respective affidavits, however, since for the last four days adjournment had been sought for bringing the claimants into witness box for the purpose of cross-examination, however AR has failed to bring them before this tribunal.

In the absence of any cross-examination of the witnesses, it is the legal settled principle that the evidence should not be read in the cases, because, our country has the adversary system of trial. The cross-examination of the witness is only the matter available to the respondent or the opposite party to discredit the testimony of the witnesses.

In these circumstances when the workmen have not come forward for cross-examination, their testimony can not be read in evidence. Their claims are resulted into dismissal. Their claims stand dismissed accordingly. Awards are passed accordingly. Copies of these awards are sent to appropriate government for notification under section 17 of the I.D. Act. Files are consigned to record room. A copy of this order is placed in each of the file.

ATUL KUMAR GARG, Presiding Officer

08th April, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 828.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, उत्तरी दिल्ली नगर निगम, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री राज कुमार, कामगार, द्वारा - दिल्ली म्यूनिसिपल मजदूर ट्रेड यूनियन, तीस हजारी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 161 OF 2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -73-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 828.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 161 OF 2020) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Commissioner, North Delhi Municipal Corporation, New Delhi, and Shri Raj Kumar, Worker, Through- Delhi Municipal Mazdoor Trade Union, Tis Hazari, New Delhi**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -73– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 161/2020**Sh. Raj Kumar, S/o Sh. Ram Pahal Singh,**

Through- Delhi Municipal Mazdoor Trade Union,

B- 40, 1st Floor, MCD Flats Buleward Road

Tis Hazari, Delhi- 110054.

VERSUS

The Commissioner,

North Delhi Municipal Corporation,

Dr. S.P. Mukherjee, Civic Centre,

J.L. Nehru Marg, New Delhi- 110002.

AWARD

The appropriate Government **Sh. D. K. Himanshu**, Government of India, Ministry of Labour/ ShramMantralya has sent the reference refer dated 15.09.2020 to this tribunal for adjudication in the following words:

“Whether the demand of Sh. Raj Kumar S/o Sh. Ram Pahal through Delhi Municipal Mazdoor Trade Union to the management of North Delhi Municipal Corporation for regularization in service and salary in the regular pay-scale from the date of his initial appointment is proper, legal and justified? If yes, what reliefs the worker are entitled to and what other directions, if any, are necessary in this regard?”

After receiving the above said reference notices were sent to both the parties. However, neither the claimant nor the management has appeared. Finally vide order dated 05.08.2022, no disputant award was passed by the predecessor of this tribunal. Thereafter, on the application of the claimant, no disputant award was set aside vide order dated 16.01.2023. Only new thing happened is that claim was filed by the claimant. But thereafter, claimant has also stopped coming to this tribunal. As per record for the last three appearance, nobody has appeared on behalf of any of the party including the claimant.

In these circumstances, when the claimant is not interested to pursue his claim, this tribunal has no option except to pass the no disputant award. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 04.04.2024

नई दिल्ली, 2 मई, 2024

का.आ. 829.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष, नई दिल्ली नगर पालिका परिषद, पार्लियामेंट स्ट्रीट, नई दिल्ली; मेसर्स सतर्क सुरक्षा सेवाएँ, लाजपत नगर -04, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री गिरी राज, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 308 OF 2021) को जैसा कि अनुलग्नक में

दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -74-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 829.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 308 OF 2021) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chairperson, New Delhi Municipal Council, Parliament Street, New Delhi; M.S. Vigilant Security Services, Lajpat Nagar -04, New Delhi, and Shri Giri Raj, Worker**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024 -74- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 308/2021

Sh. Giri Raj, S/o Sh. Lakhan Singh,

R/o W-102, ChanderShekhar, Gali No. 04,

West Babar Pur, Shahdara, Delhi- 110032.

...Claimant/Workman

VERSUS

1. The Chairperson, New Delhi Municipal Council,
Palika Kendra, Parliament Street, New Delhi- 110001.

2. M.S. Vigilant Security Services,
P-23, Old Double Storey, Lajpat Nagar -04
Opp. ShaniMandir, New Delhi- 110021

...Managements/Respondents

AWARD

This is an application under section 2A of the I.D Act filed by the claimant against his illegal termination. Claimant case is that he was appointed by the management on 16.03.2015 at the post of Security Guard. He has been continuously discharging their duty since his appointment with the management-1, however, in a malafide manner his service was shown as a employee of the contractor. His services was terminated on 18.12.2020 since then he is jobless. As such he has filed the present claim after exhausting the legal remedy.

Management-1 was proceeded ex-parte vide order dated 10.04.2023. Management-2 have appeared and W.S had been filed by the management-2 denying the averment made in the claim. The matter was listed for filing of rejoinder against M-2 but the claimant has not appeared since long. Notice was issued to the workman but, still he has not appeared.

In these circumstances, when the workman is not interested in pursuing his claim, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date 26th March, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 830.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.टी.पी.सी. लिमिटेड, एन.टी.पी.सी. भवन, स्कोप कॉम्प्लेक्स, 7, इंस्टीट्यूशनल एरिया, नई दिल्ली; 3061/संजय कुमार सुरक्षा एजेंसी, कल्याणपुरी, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और (आई.डी. नं. 166/2019, श्री ऋषि पाल सिंह), (आई.डी. नं. 167/2019, श्री मकरध्वज नारायण सिंह), (आई.डी. नं. 168/2019, श्री बख्तावर सिंह), (आई.डी. नं. 169/ 2019, श्री राजेश कुमार, कामगार, द्वारा-- यूनिवर्सल प्राउटिस्ट लेबर फेडरेशन, मंगोलपुरी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या

166,167,168 & 169 OF 2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 28.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024 -75-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, 2nd May, 2024

S.O. 830.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 166,167,168 & 169 OF 2019) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **N.T.P.C. Ltd., N.T.P.C. Bhawan, Scope Complex, 7, Institutional Area, New Delhi ; 3061/Sanjay Kumar Security Agency, Kalyanpuri, New Delhi, and (I.D. No. 166/2019, Shri Rishi Pal Singh), (I.D. No. 167/2019, Shri Makardhwaj Narayan Singh), (I.D. No. 168/2019, Shri Bakhtawar Singh), (I.D. No. 169/2019, Shri Rajesh Kumar, Worker, Through- Universal Proutist Labour Federation, Mangolpuri, New Delhi**, which was received along with soft copy of the award by the Central Government on 28.04.2024.

[No. L-42025-07/2024-75– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 166/2019

Sh. Rishi Pal Singh, S/o Sh. Lal Singh,

Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,

Through- Universal Proutist Labour Federation,

Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.

I.D. No. 167/2019

Sh. Makardhwaj Narayan Singh, S/o Sh. Ravinder Singh,

Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,

Through- Universal Proutist Labour Federation,

Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.

I.D. No. 168/2019

Sh. Bakhtawar Singh, S/o Sh. Chander Singh,

Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,

Through- Universal Proutist Labour Federation,

Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.

I.D. No. 169/2019

Sh. Rajesh Kumar, S/o Sh. Shashi Kant Chaudhary,

Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,

Through- Universal Proutist Labour Federation,

Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.

VERSUS

1. N.T.P.C. Ltd.

N.T.P.C. Bhawan, Scope Complex, 7, Institutional Area, New Delhi-110003.

2. 3061/Sanjay Kumar Security Agency,

B.D. – 40, DSIDC Complex, Kalyanpuri,
New Delhi-110091.

AWARD

These are the four cases filed by the different workmen against the same management U/S 2A of the I.D Act. Having common respondents and same cause of action, these cases are taken together for disposal.

Claimants cases are that they were appointed as Security Guard with the management at the last drawn salary of Rs. 21,537/- per month. They did their duty with sincerity and honestly and did not give any chance to complain to anyone. Management-1 had appointed them through management-2 and this fact have been opposed by the claimants. Only for this reason management had terminated their services on 23.02.2018, after stopping their wages for six month i.e. from April to October 2017. They had sent the demand letter to the management on 14.05.2018 with the request to take them on duty, however, management did not take them on duty. They had also filed their claims with the Assistant Labour commissioner, but, there also nothing was yielded. Hence, they filed the claims here with the request that their termination be declared illegal and they be taken back on duty with full back wages.

Both the respondents have appeared and filed their respective W.S. Management-1 has denied the relationship of employer and employee. It is his case that management-1 had entered into agreement dated 01.04.2017 with Sanjay Kumar Security Agency i.e. Respondent-2 for providing security/surveillance and allied services to NTPC during the period 01.04.2017 to 31.03.2019. The management-1 never got any papers or vouchers, etc. signed from the claimants.

The establishment of the management-2 is a law abiding and always works within the frameworks and guidelines as prescribed by **Directorate General Resettlement Ministry of Defence (DGR)**. The leveling allegation against the Security Agency are baseless as the establishment has always maintained an attendance sheet, leave book and salary/wages register. Furthermore all the guards are issued identity cards as per guidelines. The establishment/Agency is registered with DGR and is bound only to deploy Ex-Army personnel. It has been specifically mentioned in the guidelines by the management-2 that only 10% civilians are allowed to be deployed by the agencies who secures the contract. It is submitted that NTPC had abolished few post for security deployment when the notice was served to the petitioners they had denied to accept the same and therefore on their part the security agency had sent the notice to the registered addresses of the petitioner by post. Petitioners wanted to voluntarily withdraw the PF and for that purpose he gave their handwritten resignation letter. Since the post of security guards were decreased by the principal employer. Management-2 has always provided all types of prescribed benefits like salaries, wages, bonus, HRA etc. every month through cheques to all his employees. Respondent-2 deployed claimants for requisite services. He submits that claims of the claimants qua him be dismissed.

Issues have already been framed vide letter dated 11.11.2021. As per record, for the last three year, workmen have not led any evidence to prove their claims. Hence, their evidence stand closed.

In these circumstances when the workmen have not led any evidence to substantiate their claims, their claims are resulted into dismissal. Their claim stand dismissed. Awards are passed accordingly. Files are consigned to record room. Copies of these awards are sent to appropriate government for notification under section 17 of the I.D. Act. Files are consigned to record room.

ATUL KUMAR GARG, Presiding Officer

03rd April, 2024

नई दिल्ली, 2 मई, 2024

का.आ. 831.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स श्री साई एंटरप्राइजेज, कुरनूल; परियोजना निदेशक, एनएचएआई, एनएचएआई एन्क्लेव, हनुमंतवाका, विशाखापत्तनम, के प्रबंधन के संबद्ध नियोजकों और महासचिव, चिलकापलेम टोल प्लाजा कर्मचारी संघ (सीटू), श्रीकाकुलम, आंध्र प्रदेश, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 27 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01/05/2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024 -76-आई.आर. (डीयू)]

दिलीप कुमार, अवसर सचिव

New Delhi, the 2nd May, 2024

S.O. 831.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27 of 2023) of the **Central Government Industrial Tribunal**

cum Labour Court – Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Shri Sai Enterprises, Kurnool; The Project Director, NHAI, NHAI Enclave, Hanumanthavaka, Visakhapatnam, and The General Secretary, Chilakapalem Toll Plaza Employees Union (CITU), Srikakulam, Andhra Pradesh**, which was received along with soft copy of the award by the Central Government on 01/05/2024.

[No. L-42025-07-2024 -76– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 27th day of March, 2024

INDUSTRIAL DISPUTE No. 27/2023

Between:

The General Secretary,

Chilakapalem Toll Plaza Employees Union (CITU),

Chilakapalem Village, Etcherla Mandal,

Srikakulam, Andhra Pradesh.

.....Petitioner

AND

1. M/s Sri Sai Enterprises,

No.19, Bhupal Complex Park Road,

Kurnool – 518001.

2. The Project Director,

NHAI, NHAI Enclave,

KM 2/8 NH-16,

Hanumanthavaka, Visakhapatnam-530 032.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent : Sri M.Madhusudhan, Advocate for R1

AWARD

The Government of India, Ministry of Labour by its order No.8/4/2023-B1 dated 12/9/2023 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Sri Sai Enterprises, Contractor of NHAI, Visakhapatnam and their workmen. The reference is,

SCHEDULE

“Whether the action of M/s. Sri Sai Enterprises, contractor of NHAI Visakhapatnam in retrenching the services of 106 Nos. of workmen engaged in Chilakapalem Toll Plaza due to domestic enquiry-commissioning of Chilakapalem Toll Plaza by the management of NHAI without complying the provisions under Section 25-F of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workmen are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 27/2023 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. Therefore, in absence of any claim statement from the Petitioner, the case is dismissed and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 27th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 मई, 2024

का.आ. 832.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डीएमआरसी, बाराखम्भा रोड, नई दिल्ली; मैसर्स एल एंड टी-एसयूसीजीजेवी, सीसी-5, डीएमआरसी प्रोजेक्ट आईटीओ, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री बिदेश्वर, कामगार, द्वारा - अध्यक्ष, अखिल भारतीय जनरल मजदूर यूनियन, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट (संदर्भ संख्या 43/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.05.2024 को प्राप्त हुआ था।

[सं. एल-42011/204/2021 -आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, 2nd May, 2024

S.O. 832.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2022) of the **Central Government Industrial Tribunal cum Labour Court –I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **DMRC, Barakhamba road, new delhi ; M/s L&T-SUCGJV, CC-5, DMRC Project ITO, New Delhi, and Shri Bindeshwar, Worker, Through - The President, All India General Mazdoor Union, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 02.05.2024.

[No. L-42011/204/2021-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.****ID No. 43/2022**

Sh. Bindeshwar

Rept. All India General Mazdoor Trade Union

170, Bal Mukund Khand, Giri Nagar,

Kalkaji, New Delhi-110019

Claimant...

VERSUS

1. DMRC, Metro Bhawan, Barakhamba road,
New Delhi-110001
2. M/s L&T-SUCG JV, CC-05,
DMRC Project, CAG Park, Near Manak Bhawan,
ISI Building, ITO, New Delhi-110002

Management...

None for the claimant

None for the management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-42011/204/2021-IR(DU) dated 31.01.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the demand of All India General Mazdoor Trade Union, New Delhi vide letter dated 25.01.2020 in respect of Sh. Bindeshwar S/o Late Sh. Kelu to M/s L&T-SUCG JV, New Delhi (contractor) under DMRC, New Delhi for payment of back pay from 1.12.2016 to 28.2.2017 and re-engagement with bekari/unemployment wage from 1.3.2017 to the date of re-engagement is proper, legal and justified? If yes, what relief the disputant workers is entitled to?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

Date: 04.04.2024

नई दिल्ली, 2 मई, 2024

का.आ. 833.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड, बाराखम्भा रोड, नई दिल्ली; न्यूविजन कमर्शियल एंड एस्कॉर्ट सर्विसेज (एनसीईएस), सिकंदरपुर, गुडगांव, हरियाणा, के प्रबंधन के संबद्ध नियोजकों और श्री विशाल राठी, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 54 OF 2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-78 -आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 833.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54 OF 2022) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Delhi Metro Rail Corporation Ltd., Barakhamba Road, New Delhi ; Nuvision Commercial & Escort Services (NCES), Sikanderpur, Gurgaon, Haryana, and Shri Vishal Rathee, Worker**, which was received along with soft copy of the award by the Central Government on 02.05.2024.

[No. L-42025-07-2024-78-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOV. INDUSTRIAL-TRIBUNAL CUM – LABOUR COURT NO II, NEW DELHI

I.D. No.54/2022

Sh. Vishal Rathee, S/o Sh. Suresh,

R/o House No – 718, Gali NO. 02, Dayanand Nagar,
Jhajjar, Haryana – 124507.

VERSUS

1. Delhi Metro Rail Corporation Ltd.

Metro Bhawan, 03rd Floor, A – Wing, Fire Brigade Lane,
Barakhamba Road, New Delhi – 110001.

2. Nuvision Commercial & Escort Services (NCES),

SCO – 16,17,18, Shiv Narain Complex, City Court,
Sikanderpur, Gurgaon, Haryana – 122002.

AWARD

This is an application under section 2 (A) of I.D Act. Workman claimed to have been employed with respondent no. 2. Since Oct. 2018 at the last drawn salary of Rs. 21000 per month. He was deputed by respondent no. 2 to respondent no. 1. Respondents were not providing legal facilities. During the course of employment he had suffered with covid 19 and he informed the management no. 2 on the same day and he had allowed the leaves. However when he had gone to join a duty with respondent no 2 . he was not allowed. His services were terminated on 01/10/2021 without any reason because he was demanding legal facility. He had sent the demand letter to the management for taking back on duty with full back wages but management have not replied. Hence he filed the present application with the prayer that he reinstated with full back wages.

Notice of this application was issued to the respondents . Both the managements have appeared and filed their W.S. They denied the averments made by the claimant. Issues were framed. Workman was asked to examine the witnesses, however workman has failed to bring any witness in the witness box despite providing a no. of opportunities. Therefore, this tribunal has no option except to dismiss the claim of the applicant. The claim is dismissed accordingly. File is consigned to record room. A copy the award is hereby sent to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

04/12/2023

नई दिल्ली, 2 मई, 2024

का.आ. 834.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड, बाराखम्भा रोड, नई दिल्ली; जे. कुमार इन्फ्रा प्रोजेक्ट लिमिटेड, सराय काले खां, दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री राजवीर एवं 29 अन्य, द्वारा - यूनिवर्सल प्राउटिस्ट लेबर फेडरेशन, त्रिलोकपुरी, दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 182 OF 2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-77 -आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 834.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 182 OF 2020) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Delhi Metro Rail Corporation Ltd., Barakhamba Road, New Delhi; J. Kumar Infra Project Ltd., Sarai Kale Khan, Delhi, and Shri Rajveer & 29 others, Through- Universal Protuist Labour Federation, Trilokpuri, Delhi**, which was received along with soft copy of the award by the Central Government on 02.05.2024.

[No. L-42025-07-2024-77-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 182/2020**Sh. Rajveer & 29 others,****Through-** Universal Protuist Labour Federation,

8/440, Trilokpuri, Delhi – 110091

.....Claimant / workman

VERSUS

1. Delhi Metro Rail Corporation Ltd.

Metro Bhawan, Fire Brigade Lane,

Barakhamba Road, New Delhi- 110001.

2. J. Kumar Infra Project Ltd.,

Sarai Kale Khan, Delhi- 110013.

...Managements/Respondents

AWARD

The appropriate government had sent the reference to this tribunal for adjudication with the following words.

“Whether the services of the workers (listed attached) has been terminated by the management of M/s J kumar Infra Projects Ltd., Sarai Kale Khan, Delhi under M/s Delhi Metro Rail Corporation, New Delhi (J. Kumar) and/or unjustifiably and if yes, to what relief are they entitled and what directions are necessary in this regard?”

After receiving the said reference, notices were issued to both the parties. Management no-1 has filed the WS. Management no-2 have not been appearing on the date, and not filed the WS. Despite providing a number of opportunities, Workman has not appeared thereafter, to substantiate his claim.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed accordingly. File is consigned to the record room. A copy of this award is hereby send to the appropriate government for notification under section 17 of the I.D. Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date 5th December, 2023

नई दिल्ली, 2 मई, 2024

का.आ. 835.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उपसचिव, विश्वविद्यालय अनुदान आयोग, मध्य क्षेत्रीय कार्यालय, भोपाल (म.प्र.); मेसर्स यूनिवर्सिटी इंडस्ट्रियल सिक्योरिटी सर्विसेज, थ्रो प्रोपराइटर, बी-76, कस्तूरबा नगर, न्यू चेतक ब्रिज, भोपाल (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्रीमती रितु मिश्रा, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/115/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.05.2024 को प्राप्त हुआ था।

[सं. एल-42012-140-2018-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd May, 2024

S.O. 835.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/115/2018) of the **Central Government Industrial Tribunal cum Labour Court – Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Dy. Secretary, University Grants Commissions, Central Regional Office, Bhopal (M.P.); M/s University Industrial Security Services, Thro Proprietor, B-76, Kasturba Nagar, New Chetak Bridge,**

Bhopal (M.P.), and Smt. Ritu Mishra Worker, which was received along with soft copy of the award by the Central Government on 02.05.2024.

[No. L-42012-140-2018-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/115/2018

Present: P.K.Srivastava

H.J.S..(Retd)

**Smt. Ritu Mishra W/o Sh. Bhupendra Dwivedi,
9/8 Jila Jail Parisar, Near Ardhanadishwar Mandir,
Arera Hills, BHOPAL (M.P.) - 462023**

Workman

VERSUS

**The Dy. Secretary,
University Grants Commissions,
Central Regional Office, Tawa Complex,
(Bittan Market), E-5, Arera Colony,
BHOPAL (M.P.) - 462039
M/s University Industrial Security Services,
Thro Proprietor, B-76, Kasturba Nagar,
New Chetak Bridge, BHOPAL (M.P.) - 462023**

Management

AWARD

(Passed on this 22nd day of April, 2024.)

As per letter dated 27/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42012/140/2018 (IR(DU)) dt. 27/11/2018. The dispute under reference related to :-

“Whether the action of the management of Dy. Secretary, University Grants Commission, Bhopal (Principal Employer) in terminating the service w.e.f. 29/08/2017 of Smt. Ritu Mishra W/o Shri Bhupendra Dwivedi who was employed through M/s. University Industrial Security Services, Bhopal (M.P.) (Contractor) w.e.f. 01/10/2016 is proper & legal? If not, what relief the workman concerned is entitled to ?”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Both the parties submitted their respective Statement of Claim / Defence.

According to the Workman, That the applicant has worked for much more than 240 days in each calendar year since her appointment till her termination and as such she has already acquired the status of a permanent employee within the meaning of the Industrial Disputes Act 1947. It is submitted that for the month of Oct. Nov. & Dec. 2016, the applicant has been paid salary @ Rs. 8000/- P.M. and from Jan 2017 and Feb. 2017@ Rs. 10200/- P.M. Cash Payment through Vouchers and thereafter Rs. 10450/- P.M. has been paid to her through Cheque dated 28.4.2017 for the month of March & April and thereafter till termination the salary has been paid through bank account.

That the services of the first party have been terminated by the Respondent No. 2 on the recommendation of the Respondent No. 1. by an oral order on telephone w.e.f. 29.08.2017 without showing any reason which is challenged herewith in the present dispute.

That before terminating the services of the first party, no prior notice was issued, no notice pay in lieu of notice has been paid, no permission has been sought from the appropriate government for retrenchment of the first party, principle of first come last go has also not been followed and no reasons have been shown. More so, the first party has also not paid any retrenchment compensation as required to be paid under section 25 (f) of the I.D. Act. Apart from this, the workmen has not given any opportunity of defense or personal hearing. Even otherwise, if the respondents establishment covered under chapter V-A then also they have not followed the condition precedent provided under Section 25-F (a)(b)&(c) of Industrial Dispute Act. Thus the termination of the applicant is illegal and liable to be quashed.

Case of the Management is, That Mrs. Ritu Mishra was an employee of M/s Universal Industrial Security Services, Bhopal and only the above mentioned agency was authorized to terminate her appointment. She was not appointed by UGC, CRO, Bhopal.

That, the unsatisfactory work performance of Mrs. Ritu Mishra was reported to the manpower agency with the request to withdraw the services of Mrs. Ritu Mishra provided on contractual basis under outsourcing provision, vide letter no. UGC/CRO/Manpower/15-16 dated 29.08.2017(Document No.3). The request on the part of UGC was very much within the provision of clause 3 of duties and responsibilities enumerated in the agreement with the manpower agency.

That, UGC, CRO, Bhopal was very much in a position to ask the manpower agency to provide suitable manpower and place the one who may be found to be unsuitable for the work of UGC, CRO, Bhopal. As per the clause of the agreement UGC, CRO just resorted to such action against her as per the clauses of the agreement, in the public interest.

No evidence was produced by the workman. Management filed affidavit of its witness which is not cross-examined.

No counsel present for any of the parties at argument stage, perused record, reference is the issue for determination.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer

DATE: 22/04/2024

नई दिल्ली, 2 मई, 2024

का.आ. 836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पश्चिमी रेलवे** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (140/2012) प्रकाशित करती है।

[सं. एल-41011/76/2012-आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 140/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L-41011/76/2012-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AHMEDABAD**

Present....

Sunil Kumar Singh-I,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,

Dated : 22.01.2024

Reference: (CGITA) No. 140/2012

1. The Divisional Railway Manager(E),
Western Railway, Divisional Office,
Ahmedabad(Gujarat)
2. The Assistant Commercial Officer,
Western Railway, Divisional Office,
Rajkot (Gujarat)

.....First Party

V

1. The Divisional Secretary,
Paschim Railway Karmachari Parishad,
'Shiv Om', 2/9 Junction Plot,
Rajkot-360001.
2. The General Secretary,
Western Railway Kamdar Sangh,
78/9-C, National Highway,
Gandhidham (Kutch).

.....Second Party

For the First Party : None.

For the Second Party : None.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/76/2012-IR(B-I) dated 20.09.2012 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Western Railway in imposing the penalty of removal from service upon Shri Banasraj Lochai by the Disciplinary Authority vide order dated 21/05/2004 and whether the order of reversion dated 11/02/2005 issued by Appellate Authority, is legal and justified? To what relief the workman is entitled?”

1. The case was taken up today. None responds for either of the parties. The reference dates back to 20.09.2012. The case is fixed for SP's evidence since 11.04.2018. SP/workman has not been adducing his evidence despite several opportunities. He was afforded last opportunity on 17.11.2022 along with additional opportunities on 22.06.2023 and 26.10.2023. It appears that the SP/workman is not interested to proceed further in the matter.

2. Perusal of the record shows that there is no evidence on record to substantiate the claim of the workman under reference. The action of the employer Western Railway in imposing penalty of removal from service of the workman Shri Banasraj Lochai vide order dated 21.05.2004 is legal and justified. The claim under reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 2 मई, 2024

का.आ. 837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिमी रेलवे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (59/2018) प्रकाशित करती है।

[सं. एल-41011/04/2018-आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 59/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L-41011/04/2018-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present....

Sunil Kumar Singh-I,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated : 13.02.2024

Reference: (CGITA) No- 59/2018

The Divisional Railway Manager,
Western Railway, Saijpur Bhoga, Asarwa,
Ahmedabad(Gujarat)

.....First Party

V

The General Secretary,
Western Railway Kamdar Sangh,
78/9-C, National Highway, Gandhidham,
Kutch(Gujarat)-370201.

.....Second Party

For the First Party : None.

For the Second Party : None.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/04/2018-IR(B-I) dated 30.05.2018 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the stand of the management that until and unless requisite documents are not provided, Full and Final settlement of all dues cannot be processed is legal, proper and justified? If not, what relief the other party is entitled to and to what extent?”

1. The case was taken up today. The reference dates back to 30.05.2018. None responds for either of the parties. The case is fixed for SP's evidence. It transpires from the perusal of record that the Second Party/workmen's union has been absenting since 24.04.2019. FP/SP has also been absenting since long. It appears that the Second Party/workmen's union has either settled the dispute with the First Party/employer out of court or is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workmen/union under

reference. In the circumstances, the claim under scheduled reference is answered against the SP/workmen for want of evidence.

2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 2 मई, 2024

का.आ. 838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (289/2004) प्रकाशित करती है।

[सं. एल-12012/420/99-आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 289/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/420/99-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present....

Sunil Kumar Singh-I,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 26th February, 2024.

Reference: (CGITA) No- 289/2004

The Chief Manager,
State Bank of India,
Diwanpura Road,
BHAVNAGAR(Gujarat) 364001.

.....First Party

V

Shri Sanjay M. Makwana,
C/o. Rashtriya Gen. Workers Union,
Vadva Chavdi Gate,
Near Kalubhai Panwala,
BHAVNAGAR-364001.(Guj.)

.....Second Party

Advocate for the First Party : Shri Bhagyoday Mishra
Advocate for the Second Party : Shri Prabhatsinh Parmar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/420/99-IR(B-I) dated 16.03.2000 referred the dispute for adjudication to the then Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule. The matter was later received by transfer on creation of this Tribunal at Ahmedabad in the year 2004.

SCHEDULE

“Whether the action of the management of State Bank of India, Diwanpura Road, Bhavnagar in terminating/discontinuing from service to Shri Sanjay M. Makwana w.e.f. 12.03.1998 is legal and justified? If not to what relief the concerned workman is entitled to?”

1. The matter is fixed for 27.02.2024 for hearing and disposal of Ex.21. First Party employer represented through Adv. Shri Bhagyoday Mishra. Second party workman is present along with his Adv. Shri Prabhatsinh J. Parmar. Ld. Counsel for the SP/workman has filed an application Ex.22 to take the matter today on board and has drawn the attention of the Tribunal towards workman's withdrawal pursis Ex.21 dated 09.02.2024 and prayed for withdrawal of the reference. First Party/employer has not opposed. Hence in the interest of justice application Ex.22 is allowed. Let the matter be taken on board today.

2. Heard on workman's withdrawal application Ex.21, wherein he has prayed for the withdrawal of the reference on the ground that both the parties have arrived at amicable settlement outside the court. First party employer has not opposed. The withdrawal application Ex.21 is thus allowed. The workman is permitted to withdraw his claim. The claim of the workman stands withdrawn accordingly. The record may be consigned after due formalities.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 2 मई, 2024

का.आ. 839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (320/2004) प्रकाशित करती है।

[सं. एल-12012/418/99-आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 320/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/418/99-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AHMEDABAD**

Present....

Sunil Kumar Singh-I,

Presiding Officer, CGIT cum Labour Court,

Ahmedabad,

Dated 26th February, 2024.

Reference: (CGITA) No. 320/2004

The Chief Manager,

State Bank of India,

Diwanpara Road,

BHAVNAGAR(Gujarat).

.....First Party

Shri Chetan Babubhai Gohil,
C/o. Rashtriya General Workers Union,
Vadva Chavdi Gate,
Near Kalubhai Panwala,

BHAVNAGAR-364 001.(Guj.)

.....Second Party

Advocate for the First Party : Shri Bhagyoday Mishra

Advocate for the Second Party : Shri Prabhatsinh Parmar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/418/99-IR (B-I) dated 28.08.2000 referred the dispute for adjudication to the then Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule. The matter was later received by transfer on creation of this Tribunal at Ahmedabad in the year 2004.

SCHEDULE

“Whether the action of the management of State Bank of India, Diwanpura Road, Bhavnagar in terminating the services of Shri Chetan Babubhai Gohil w.e.f. 09.10.1997 is justified? If not, what relief the workman is entitled?”

1. The matter is fixed for 27.02.2024 for hearing and disposal of Ex.19. First Party employer represented through Adv. Shri Bhagyoday Mishra. Second party workman is present along with his Adv. Shri Prabhatsinh J. Parmar. Ld. Counsel for the SP/workman has filed an application Ex.20 to take the matter today on board and has drawn the attention of the Tribunal towards workman's withdrawal pursis Ex.19 dated 09.02.2024 and prayed for withdrawal of the reference. First Party/employer has not opposed. Hence in the interest of justice application Ex.20 is allowed. Let the matter be taken on board today.

2. Heard on workman's withdrawal application Ex.19, wherein he has prayed for the withdrawal of the reference on the ground that both the parties have arrived at amicable settlement outside the court. First party employer has not opposed. The withdrawal application Ex.19 is thus allowed. The workman is permitted to withdraw his claim. The claim of the workman stands withdrawn accordingly. The record may be consigned after due formalities.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 2 मई, 2024

का.आ. 840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (92/2019) प्रकाशित करती है।

[सं. एल-12011/12/2019-आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 92/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/12/2019-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AHMEDABAD**

Present....

Sunil Kumar Singh-I,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated : 23.02.2024

Reference: (CGITA) No- 92/2019

1. The Branch Manager,
State Bank of India, Satellite Branch,
Akash Tower, Satellite, Judges Bungalow Road,
Ahmedabad (Gujarat)- 380061
2. M/s. Orient Service (I) Pvt. Ltd,
22, Gr. Floor, Hariom Plaza, M.G. Road,
Nr. S.T.Depot, Borivalli (East),
MUMBAI- 400066.First Party

V

The Secretary,
All Gujarat Lal Vavata Kamdar Union,
B/104, Savitagovind Plaza, Bodakdev,
Ahmedabad (Gujarat)- 380015Second Party

For the First Party : None.
For the Second Party : None.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/12/2019-IR(B-I) dated 20.05.2019 referred the dispute for adjudication to the Central Government Industrial Tribunal- cum-Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Secretary, All Gujarat Lal Vavata Kamdar Union, Ahmedabad for reinstatement in service with continuity of service and backwages to Shri Rakesh Shah, Chowkidar under contract in State Bank of India, Satellite Branch, Ahmedabad is legal and justified? If so, then what relief Shri Rakesh Shah, workman is entitled to.”

1. The case was taken up today. The reference dates back to 20.05.2019. None responds for either of the parties. The case is fixed for SP's evidence. It transpires from the perusal of record that the Second Party/workman has been absenting since 03.12.2019. Both parties have been absenting since long. It appears that the Second Party workman/ union has either settled the dispute with the First Party employer out of court or is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman/union under reference. In the circumstances, the claim under scheduled reference is answered against the SP/workman for want of evidence.
2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 2 मई, 2024

का.आ. 841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (321/2004) प्रकाशित करती है।

[सं. एल-12012/419/99-आई.आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd May, 2024

S.O. 841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 321/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/419/99-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present....

Sunil Kumar Singh-I,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,

Dated 26th February, 2024.

Reference: (CGITA) No. 321/2004

The Chief Manager,
State Bank of India,
Diwanpara Road,
BHAVNAGAR (Gujarat).

.....First Party

V

Shri Kaushik Chimanbhai Gohil,
C/o. Rashtriya General Workers Union,
Vadva Chavdi Gate,
Near Kalubhai Panwala,
BHAVNAGAR-364 001. (Guj.)

.....Second Party

Advocate for the First Party : Shri Bhagyoday Mishra

Advocate for the Second Party : Shri Prabhatsinh Parmar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/419/99-IR(B.I) dated 28.08.2000 referred the dispute for adjudication to the then Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule. The matter was later received by transfer on creation of this Tribunal at Ahmedabad in the year 2004.

SCHEDULE

“Whether the action of the management of State Bank of India, Diwanpara Road, Bhavnagar in terminating the services of Shri Kaushik Chimanbhai Gohil w.e.f. 15.11.1997 is justified? If not, what relief the workman is entitled?”

1. The matter is fixed for 27.02.2024 for hearing and disposal of Ex.19. First Party employer represented through Adv. Shri Bhagyoday Mishra. Second party workman is present along with his Adv. Shri Prabhatsinh J. Parmar. Ld. Counsel for the SP/workman has filed an application Ex.20 to take the matter today on board and has drawn the attention of the Tribunal towards workman's withdrawal pursis Ex.19 dated 09.02.2024 and prayed for withdrawal of the reference. First Party/employer has not opposed. Hence in the interest of justice application Ex.20 is allowed. Let the matter be taken on board today.

2. Heard on workman's withdrawal application Ex.19, wherein he has prayed for the withdrawal of the reference on the ground that both the parties have arrived at amicable settlement outside the court. First party employer has not opposed. The withdrawal application Ex.19 is thus allowed. The workman is permitted to withdraw his claim. The claim of the workman stands withdrawn accordingly. The record may be consigned after due formalities.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 3 मई, 2024

का.आ. 842.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स-आर.बी. माइनिंग एंड कंपनी, कोटडी, भीलवाड़ा, (राजस्थान), के प्रबंधन के संबद्ध नियोजकों और खान मजदूर कांग्रेस, भीलवाड़ा, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय-भीलवाड़ा पंचाट (संदर्भ संख्या 01 OF 2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42011-130-2020-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 842.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 01 OF 2021) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/S R.B. Mining & Company, kotadi, Bhilwara, (Rajsathan) and Khan Majdoor Congress, Bhilwara**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42011-130-2020-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 1 / 2021 एल.सी.आर

संयुक्त सचिव, खान मजदूर कांग्रेस, गांधी मजदूर

सेवालय, भीलवाड़ा (राज0)

प्रार्थी/यूनियन

: बनाम :

मैनेजर, आर.बी. माइनिंग एंड कंपनी, ओमकापुरा, पो0-गहुंली,
तह0-कोटडी, जिला- भीलवाड़ा (राज0)।

.. विपक्षी/नियोजक

उपस्थित

प्रार्थी की ओर से कोई उपस्थित नहीं।

विपक्षी की ओर से कोई उपस्थित नहीं।

:: पंचाट ::

दिनांक 27.1.2023

श्रम एवं रोजगार मंत्रालय, भारत सरकार की अधिसूचना क्रमांक: एफ नं. एल-42011/130/2020-आई. आर.(डीयू) दिनांक 16.12.2020 के द्वारा निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया गया—

'Whether the action of the management of M/S R.B.Mining & Company as regards termination of Shri Nola S/O Sh Rajulal Gurjar W.r.f. 16.05.2020 as raised by Khan Majdoor Congress, Bhilwara vide letter dated 19-7-2020 is proper, legal and justified? If not, then to what relief the concerned worker is entitled? What direction, if any, is necessary in the matter?'

विवाद प्राप्त होने पर पक्षकारों को नोटिस जारी कर तलब किया गया।

आज प्रार्थी हाजिर नहीं हैं। प्रार्थी की तामील श्रमिक संघ के प्रतिनिधि को हो चुकी है। प्रार्थी या उसके प्रतिनिधि आज बावजूद तामील हाजिर नहीं ह। अतः ऐसा प्रतीत होता है कि प्रार्थी की इस प्रकरण में कोई रुचि नहीं है तथा अब वह इस प्रकरण में कोई कार्यवाही नहीं चाहता है। अतः 'कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जाये।

सुशील कुमार शर्मा न्यायाधीश,
औद्योगिक न्यायाधिकरण एवं न्यायाधिकरण एवं
श्रम न्यायालय, भीलवाड़ा।

पंचाट आज दिनांक 27.1.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 3 मई, 2024

का.आ. 843.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर, मैसर्स- हिंदुस्तान कंस्ट्रक्शन कंपनी लिमिटेड, आर.ए.पी. साइट 7 व 8 रावतभाटा, जिला-चित्तौड़गढ़; परियोजना निदेशक, आर.ए.पी.पी. साइट 7 व 8, रावतभाटा, जिला-चित्तौड़गढ़; सबकॉन्ट्रेक्टर, जयजोगनिया इंटरप्राइजेज (बबलू बना) मेसर्स हिंदुस्तान कंस्ट्रक्शन कंपनी लिमिटेड, 7-8, आर.ए.पी. साइट 7 व 8 अणुशक्ति रावतभाटा, जिला चित्तौड़गढ़, के प्रबंधन के संबद्ध नियोजकों और श्री भगवन लाल मेरोठा, कामगार, उप-अध्यक्ष/महामंत्री, निर्माण एवं असंगठित श्रमिक संघ, झालर बावड़ी, रावतभाटा, जिला-चित्तौड़गढ़, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय-भीलवाड़ा पंचाट (संदर्भ संख्या 32 OF 2022 –एल.सी.आर) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-82-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 843.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32 OF 2022 L.C.R) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **Project Manager, M/s. Hindustan Construction Company Limited, R.A.P. Site 7 & 8 Rawatbhata, District-Chittaurgarh; Project Director, R.A.P.P. Site 7 & 8, Rawatbhata, District-Chittaurgarh; Subcontractor, Jaijoganiya Enterprises (Bablu Bana) M/s Hindustan Construction Company Limited, 7-8, R.A.P. Site 7 & 8 Anushakti Rawatbhata, District Chittorgarh, and Shri Bhagwan Lal Merotha, Worker, Vice-President/General Secretary, Construction and Unorganized Workers Union, Jhalari Stepwell, Rawatbhata, District-Chittorgarh**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-82-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 32 /2022 एल.सी.आर
श्री भगवान लाल मेरोठा पुत्र श्री शिवलाल मेरोठा, द्वारा—
अध्यक्ष/महामंत्री, निर्माण एवं संगठित श्रमिक संघ,
दशहरा मैदान के पास, मेन रोड, चार भुजा (झालर बावडी)
रावतभाटा, जिला—चित्तौड़गढ़ (राज0)

.. प्रार्थी

: बनाम :

1. प्रोजेक्ट मैनेजर, मै0 हिन्दूस्तान कन्स्ट्रक्शन कं0लि0, 7-8,
आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, चित्तौड़गढ़।
2. परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8 रावतभाटा,
जिला—चित्तौड़गढ़।
3. सबकोन्ट्रेक्टर, मै0 रुद्र प्रताप इंटरप्राइजेज 7 व 8, मै0 हिन्दूस्तान
कन्स्ट्रक्शन कं0लि0, 7-8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति,
रावतभाटा, चित्तौड़गढ़।

.. विपक्षी/नियोजकगण

उपस्थित :

श्री मोहन नागर, प्रतिनिधि—प्रार्थी यूनियन की ओर से।
श्री अजय मीणा प्रतिनिधि —विपक्षी सं. एक की ओर से।
श्री रुद्रप्रतापसिंह, प्रतिनिधि — विपक्षी सं. तीन की ओर से।

:: पंचाट ::

दिनांक 13.5.2023

प्रार्थी ने स्वयं के सेवा पृथक्करण बाबत विवाद इस न्यायालय में औ.वि.अधि. 1947 की धारा 2 (ए) के तहत पेश किया—जिस पर प्रकरण दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किया गया।

पत्रावली आज राष्ट्रीय लोक अदालत के समक्ष पेश हुई। प्रार्थी व विपक्षी संख्या एक वकील ने दिनांक 12.05.2023 को राजीनामा पेश किया, जिसे बाद जांच तस्दीक किया गया। मुताबिक राजीनामा प्रार्थी ने विपक्षीगण से कुलिया हिसाब प्राप्त कर लिया है तथा प्रार्थी प्रकरण में कोई कार्यवाही नहीं चाहता है। चूंकि प्रार्थी व विपक्षीगण के मध्य राजीनामा हो गया है तथा प्रार्थी प्रकरण में अब कोई कार्यवाही नहीं चाहता है। अतः कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जाये।

सुशील कुमार शर्मा, न्यायाधीश
औद्योगिक न्यायाधिकरण एवं
श्रम न्यायालय, भीलवाड़ा।

पंचाट आज दिनांक 13.5.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 3 मई, 2024

का.आ. 844.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स -प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी. साईट 7 व 8 रावतभाटा, जिला- चित्तौड़गढ़; परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, जिला-चित्तौड़गढ़; सबकोन्ट्रेक्टर, मै0 ए.एस.पी. वाटर एंड पावर प्रोजेक्ट प्राईवेट लिमिटेड, (राहित एंड विनीत) मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति रावतभाटा, जिला-चित्तौड़गढ़ ; सबकोन्ट्रेक्टर (अजय टपारिया) मै0 विशाल निर्मिती प्राईवेट लिमिटेड, मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी.साईट 7 व 8 अणुशक्ति रावतभाटा, जिला चित्तौड़गढ़, के प्रबंधन के संबद्ध नियोजकों और श्री नरेश कुमार नागर, कामगार, द्वारा-अध्यक्ष/महामंत्री, निर्माण एवं असंगठित श्रमिक संघ, झालरबावडी, रावतभाटा, जिला-चित्तौड़गढ़, के बीच अनुबंध में निर्दिष्ट औद्योगिक

न्यायाधिकरण एवं श्रम न्यायालय-भीलवाड़ा पंचाट (संदर्भ संख्या 80 OF 2022 –एल.सी.आर) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-83-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 844.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80 OF 2022 L.C.R) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Project Manager, M/s Gemon Engineers & Pvt. Ltd., 7-8, R.A.P. Site 7 and 8 Rawatbhata, District- Chittorgarh; Project Director, R.A.P.P. Site 7 and 8, Rawatbhata, District-Chittaurgarh; Subcontractor, M/s A.S.P. Water & Power Project Pvt. Ltd., (Rahit & Vineet) M/s Gemon Engineers & Pvt. Ltd., 7-8, R.A.P.P. Site 7 and 8, Anushakti Rawatbhata, District-Chittorgarh ; Subcontractor (Ajay Taparia) M/s Vishal Nirmithi Pvt. Ltd., M/s Gemon Engineers and Pvt. Ltd., 7-8, R.A.P. Site 7 and 8 Anushakti Rawatbhata, District Chittorgarh, and Shri Naresh Kumar Nagar, Worker, Vice-President/General Secretary, Construction and Unorganized Workers Union, Jhalar Stepwell, Rawatbhata, District-Chittaurgarh**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-83-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 80 /2022 एल.सी.आर

श्री नरेश कुमार नागर पुत्र श्री राम रतन, द्वारा—

अध्यक्ष/महामंत्री, निर्माण एवं संगठित श्रमिक संघ,

दशहरा मैदान के पास, मेन रोड, चार भुजा (झालर बावडी)

रावतभाटा, जिला—चित्तौड़गढ़ (राज0)

.. प्रार्थी

: बनाम :

1. प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्रा0 लि0, 7—8 आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, चित्तौड़गढ़।
2. परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8 रावतभाटा, जिला—चित्तौड़गढ़।
3. सबकोन्ट्रेक्टर, मै0 ए.एस.पी. वाटर एंड पावर प्रोजेक्ट प्रा0 लि0 (राहित एंड विनीत) मै0 गेमन इंजीनियर्स एंड प्रा0 लि0, 7—8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति रावतभाटा, जिला—चित्तौड़गढ़।
4. सब कोन्ट्रेक्टर, (अजय टपारिया) मै0 विशाल निर्मिती प्रा0लि0, मै0 गेमन इंजीनियर्स एंड प्रा0 लि0, 7—8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति रावतभाटा, जिला—चित्तौड़गढ़।

.. विपक्षी/नियोजकगण

उपस्थित

श्री मोहन नागर, प्रतिनिधि—प्रार्थी युनियन की ओर से।

श्री प्रदीप बिल्लू, अधिवक्ता—विपक्षी संख्या दो की ओर से।

श्री एल.एल. सोमानी, अधिवक्ता— विपक्षी संख्या—तीन व चार की ओर से।

:: पंचाट ::

दिनांक 13.5.2023

प्रार्थी ने स्वयं के सेवा पृथक्करण बाबत विवाद इस न्यायालय में औ.वि.अधि.1947 की धारा 2 (ए) के तहत पेश किया—जिस पर प्रकरण दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किया गया।

पत्रावली आज राष्ट्रीय लोक अदालत के समक्ष पेश हुई। प्रार्थी प्रतिनिधि ने दिनांक 21.04.2023 को जाहिर किया कि प्रार्थी प्रकरण में अब कोई कार्यवाही नहीं चाहता है। चूंकि प्रार्थी प्रतिनिधि प्रकरण में कोई कार्यवाही नहीं चाहते हैं। अतः कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को पकाशनार्थ भेजी जाये।

पंचाट आज दिनांक 13.5.2023 को खुले न्यायालय में सुनाया गया।

सुशील कुमार शर्मा, न्यायाधीश
औद्योगिक न्यायाधिकरण एवं
श्रम न्यायालय, भीलवाड़ा।

नई दिल्ली, 3 मई, 2024

का.आ. 845.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स -प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी. साईट 7 व 8 रावतभाटा, जिला- चित्तौड़गढ़; परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, जिला-चित्तौड़गढ़; सबकोन्ट्रेक्टर, मै0 ए.एस.पी. वाटर एंड पावर प्रोजेक्ट प्राईवेट लिमिटेड, (राहित एंड विनीत) मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति रावतभाटा, जिला-चित्तौड़गढ़ ; सबकोन्ट्रेक्टर (अजय टपारिया) मै0 विशाल निर्मिती प्राईवेट लिमिटेड, मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी.साईट 7 व 8 अणुशक्ति रावतभाटा, जिला चित्तौड़गढ़, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री आकाश आदिवाल, कामगार, द्वारा-अध्यक्ष/महामंत्री, निर्माण एवं असंगठित श्रमिक संघ, झालर बावडी, रावतभाटा, जिला-चित्तौड़गढ़, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय-भीलवाड़ा पंचाट(संदर्भ संख्या 83 OF 2022 –एल.सी.आर) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-84-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 845.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83 OF 2022 L.C.R) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s -Project Manager, M/s Gemon Engineers & Pvt. Ltd., 7-8, R.A.P. Site 7 and 8 Rawatbhata, District- Chittorgarh; Project Director, R.A.P.P. Site 7 and 8, Rawatbhata, District-Chittaurgarh; Subcontractor, M/s A.S.P. Water & Power Project Pvt. Ltd., (Rahit & Vineet) M/s Gemon Engineers & Pvt. Ltd., 7-8, R.A.P.P. Site 7 and 8, Anushakti Rawatbhata, District-Chittorgarh ; Subcontractor (Ajay Tapparua) M/s Vishal Nirmithi Pvt. Ltd., M/s Gemon Engineers and Pvt. Ltd., 7-8, R.A.P. Site 7 and 8 Anushakti Rawatbhata, District Chittorgarh, and Shri Akash Adiwale, Worker, Vice-President/General Secretary, Construction and Unorganized Workers Union, Jhalar Stepwell, Rawatbhata, District-Chittaurgarh**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-84-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 83/2022 एल.सी.आर
श्री आकाश आदिवाल पुत्र श्री राधेश्याम आदिवाल, द्वारा—
अध्यक्ष/महामंत्री, निर्माण एवं संगठित श्रमिक संघ,
दषहरा मैदान के पास, मेन रोड, चार भुजा (झालर बावडी)
रावतभाटा, जिला—चित्तौड़गढ़ (राज0)

.. प्रार्थी

: बनाम :

1. प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्रा0लि0, 7-8
आर.ए.पी.पी. साइट 7 व 8, रावतभाटा, चित्तौड़गढ़।
2. परियोजना निदेशक, आर.ए.पी.पी. साइट 7 व 8 रावतभाटा,
जिला—चित्तौड़गढ़।
3. सबकोन्ट्रेक्टर, मै0 ए.एस.पी. वाटर एंड पावर प्रोजेक्ट प्रा0लि0
(राहित एंड विनीत) मै0 गेमन इंजीनियर्स एंड प्रा0 लि0, 7-8, आर.ए.पी.पी.
साइट 7 व 8, अणुशक्ति रावतभाटा, जिला—चित्तौड़गढ़।
4. सब कोन्ट्रेक्टर, (अजय टपारिया) मै0 विशाल निर्मिती प्रा0लि0,
मै0 गेमन इंजीनियर्स एंड प्रा0लि0, 7-8, आर.ए.पी.पी.साइट 7 व 8,
अणुशक्ति रावतभाटा, जिला—चित्तौड़गढ़।

.. विपक्षी/नियोजकगण

उपस्थित :

श्री मोहन नागर, प्रतिनिधि—प्रार्थी यूनियन की ओर से।
श्री बी.आर. देराश्री, अधिवक्ता—विपक्षी संख्या दो की ओर से।
श्री एल.एल. सोमानी, अधिवक्ता— विपक्षी संख्या— चार की ओर से।

:: पंचाट ::

दिनांक 13.5.2023

प्रार्थी ने स्वयं के सेवा पृथक्करण बाबत विवाद इस न्यायालय में औ.वि.अधि.1947 की धारा 2 (ए) के तहत पेश किया—जिस पर प्रकरण दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किया गया।

पत्रावली आज राष्ट्रीय लोक अदालत के समक्ष पेश हुई। प्रार्थी प्रतिनिधि ने दिनांक 21.04.2023 को जाहिर किया कि प्रार्थी प्रकरण में अब कोई कार्यवाही नहीं चाहता है। चूंकि प्रार्थी प्रतिनिधि प्रकरण में कोई कार्यवाही नहीं चाहते हैं। अतः कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जाये।

सुशील कुमार शर्मा, न्यायाधीश
औद्योगिक न्यायाधिकरण एवं
श्रम न्यायालय, भीलवाड़ा।

पंचाट आज दिनांक 13.5.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 3 मई, 2024

का.आ. 846.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर, मैसर्स- हिंदुस्तान कंस्ट्रक्शन कंपनी लिमिटेड, आर.ए.पी. साइट 7 व 8 रावतभाटा, जिला-चित्तौड़गढ़; परियोजना निदेशक, आर.ए.पी.पी. साइट 7 व 8, रावतभाटा, जिला-चित्तौड़गढ़; सबकॉन्ट्रेक्टर, जयजोगणिया इंटरप्राइजेज (बबलू बना) मेसर्स हिंदुस्तान कंस्ट्रक्शन कंपनी लिमिटेड, 7-8, आर.ए.पी. साइट 7 व 8 अणुशक्ति रावतभाटा, जिला चित्तौड़गढ़, के प्रबंधन के संबद्ध नियोजकों और श्री शिवराज टेलर, कामगार, उप-अध्यक्ष/महामंत्री,

निर्माण एवं असंगठित श्रमिक संघ, झालर बावड़ी, रावतभाटा, जिला-चित्तौड़गढ़, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय-भीलवाड़ा पंचाट (संदर्भ संख्या 85 OF 2022 –एल.सी.आर) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-85-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 846.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85 OF 2022 L.C.R) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **Project Manager, M/s. Hindustan Construction Company Limited, R.A.P. Site 7 & 8 Rawatbhata, District-Chittaurgarh; Project Director, R.A.P. Site 7 & 8, Rawatbhata, District-Chittaurgarh; Subcontractor, Jaijoganiya Enterprises (Bablu Bana) M/s Hindustan Construction Company Limited, 7-8, R.A.P. Site 7 & 8 Anushakti Rawatbhata, District Chittorgarh, and Shri Shivraj Taylor, Worker, Vice-President/General Secretary, Construction and Unorganized Workers Union, Jhalar Stepwell, Rawatbhata, District-Chittorgarh**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-85-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 85/2022 एल.सी.आर

श्री शिवराज टेलर पुत्र श्री निरंजन टेलर, द्वारा—

अध्यक्ष/महामंत्री, निर्माण एवं संगठित श्रमिक संघ,

दशहरा मैदान के पास, मेन रोड, चार भुजा (झालर बावड़ी)

रावतभाटा, जिला-चित्तौड़गढ़ (राज0)

.. प्रार्थी

: बनाम :

1. प्रोजेक्ट मैनेजर, मै0 हिन्दूस्तान कन्स्ट्रक्शन कं0लि0, 7-8,

आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, चित्तौड़गढ़।

2. सबकोन्ट्रेक्टर, जयजोगनिया इंटरप्राइजेज (बबलू बना), मै0 हिन्दुस्तान

कन्स्ट्रक्शन कं0लि0, 7-8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति,

रावतभाटा, चित्तौड़गढ़।

3. परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8 रावतभाटा,

जिला-चित्तौड़गढ़।

.. विपक्षी/नियोजकगण

उपस्थित :

श्री प्रार्थी स्वयं हाजिर।

श्री महेन्द्रपाल सिंह, प्रतिनिधि विपक्षी संख्या दो की ओर से।

:: पंचाट ::

दिनांक 13.5.2023

प्रार्थी ने स्वयं के सेवा पृथक्करण बाबत विवाद इस न्यायालय में औ.वि.अधि.1947 की धारा 2 (ए) के तहत पेश किया—जिस पर प्रकरण दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किया गया।

पत्रावली आज राष्ट्रीय लोक अदालत के समक्ष पेश हुई। प्रार्थी व विपक्षी संख्या दो ने दिनांक 20.02.2023 को राजीनामा पेश किया, जिसे बाद जांच तस्दीक किया गया। मुताबिक राजीनामा प्रार्थी ने विपक्षीगण से कुलिया हिसाब प्राप्त कर लिया है तथा प्रार्थी प्रकरण में कोई कार्यवाही नहीं चाहता है। चूंकि प्रार्थी व विपक्षीगण के मध्य राजीनाम हो गया है तथा प्रार्थी प्रकरण में अब कोई कार्यवाही नहीं चाहता है। अतः कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जाये।

सुशील कुमार शर्मा, न्यायाधीश
औद्योगिक न्यायाधिकरण एवं
श्रम न्यायालय, भीलवाड़ा।

पंचाट आज दिनांक 13.5.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 3 मई, 2024

का.आ. 847.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स -प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी. साईट 7 व 8 रावतभाटा, जिला-चित्तौड़गढ़; परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, जिला-चित्तौड़गढ़; सबकोन्ट्रेक्टर, मै0 ए.एस.पी. वाटर एंड पावर प्रोजेक्ट प्राईवेट लिमिटेड, (राहित एंड विनीत) मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी.पी. साईट 7 व 8, अणुशक्ति रावतभाटा, जिला-चित्तौड़गढ़; सबकोन्ट्रेक्टर (अजय टपारिया) मै0 विशाल निर्मिती प्राईवेट लिमिटेड, मै0 गेमन इंजीनियर्स एंड प्राईवेट लिमिटेड, 7-8, आर.ए.पी.साईट 7 व 8 अणुशक्ति रावतभाटा, जिला-चित्तौड़गढ़, के प्रबंधन के संबद्ध नियोजकों और श्री सुरेश कुमार, कामगार, द्वारा-अध्यक्ष/महामंत्री, निर्माण एवं असंगठित श्रमिक संघ, झालर बावडी, रावतभाटा, जिला-चित्तौड़गढ़, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय-भीलवाड़ा पंचाट (संदर्भ संख्या 92 OF 2022 –एल.सी.आर) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-86-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 847.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 92 OF 2022 L.C.R) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s -Project Manager, M/s Gemon Engineers & Pvt. Ltd., 7-8, R.A.P. Site 7 and 8 Rawatbhata, District- Chittorgarh; Project Director, R.A.P. Site 7 and 8, Rawatbhata, District-Chittaurgarh; Subcontractor, M/s A.S.P. Water & Power Project Pvt. Ltd., (Rahit & Vineet) M/s Gemon Engineers & Pvt. Ltd., 7-8, R.A.P.P. Site 7 and 8, Anushakti Rawatbhata, District-Chittorgarh ; Subcontractor (Ajay Taparia) M/s Vishal Nirmithi Pvt. Ltd., M/s Gemon Engineers and Pvt. Ltd., 7-8, R.A.P. Site 7 and 8 Anushakti Rawatbhata, District Chittorgarh, and Shri Suresh Kumar, Worker, Vice-President/General Secretary, Construction and Unorganized Workers Union, Jhalar Stepwell, Rawatbhata, District- Chittaurgarh**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-86-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 92/2022 एल.सी.आर

श्री सुरेश कुमार पुत्र श्री कालूराम माली, द्वारा—

अध्यक्ष/महामंत्री, निर्माण एवं संगठित श्रमिक संघ,

दशहरा मैदान के पास, मेन रोड, चार भुजा(झालर बावडी)

रावतभाटा, जिला—चित्तौड़गढ़ (राज0)

.. प्रार्थी

: बनाम :

1. प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्रा0 लि0, 7-8
आर.ए.पी.पी. साइट 7 व 8, रावतभाटा, चित्तौड़गढ़।
2. परियोजना निदेशक, आर.ए.पी.पी. साइट 7 व 8 रावतभाटा,
जिला-चित्तौड़गढ़।
3. सबकोन्ट्रेक्टर, मै0 ए.एस.पी. वाटर एंड पावर प्रोजेक्ट प्रा0लि0
(राहित एंड विनीत)मै0 गेमन इंजीनियर्स एंड प्रा0लि0,7-8,आर.ए.पी.पी.
साइट 7 व 8, अणुशक्ति रावतभाटा, जिला-चित्तौड़गढ़।
4. सबकोन्ट्रेक्टर,(अजय टपारिया)मै0 विशाल निर्मिती प्रा0लि0,
मै0 गेमन इंजीनियर्स एंड प्रा0लि0,7-8,आर.ए.पी.पी.साइट 7 व 8,
अणुशक्ति रावतभाटा,जिला-चित्तौड़गढ़।

.. विपक्षी/नियोजकगण

उपस्थित :

श्री मोहन नागर, प्रतिनिधि-प्रार्थी यूनियन की ओर से।
श्री आर.सी. पंचोली,अधिवक्ता-विपक्षी संख्या दो की ओर से।
श्री एल.एल. सोमानी,अधिवक्ता- विपक्षी संख्या- चार की ओर से।

:: पंचाट ::

दिनांक 13.5.2023

प्रार्थी ने स्वयं के सेवा पृथक्करण बाबत विवाद इस न्यायालय मे औ.वि.अधि.1947 की धारा 2 (ए) के तहत पेश किया-जिस पर प्रकरण दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किया गया।

पत्रावली आज राष्ट्रीय लोक अदालत के समक्ष पेश हुई। प्रार्थी प्रतिनिधि ने दिनांक 21.04.2023 को जाहिर किया कि प्रार्थी प्रकरण में अब कोई कार्यवाही नहीं चाहता है। चूंकि प्रार्थी प्रतिनिधि प्रकरण में कोई कार्यवाही नहीं चाहते है। अतः कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जायें

सुशील कुमार शर्मा, न्यायाधीश,
औद्योगिक न्यायाधिकरण एवं
श्रम न्यायालय,भीलवाडा।

पंचाट आज दिनांक 13.5.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 3 मई, 2024

का.आ. 848.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर,मैसर्स- गेमन इंजीनियर्स एंड प्रा. लिमिटेड, 7-8, आर.ए.पी. साइट 7 व 8 रावतभाटा, जिला-चित्तौड़गढ़; परियोजना निदेशक, आर.ए.पी.पी. साइट 7 व 8, रावतभाटा, जिला-चित्तौड़गढ़; उपठेकेदार (अजय तापड़िया) मैसर्स विशाल निर्मिती प्रा. लिमिटेड, मैसर्स गेमन इंजीनियर्स एंड प्रा. लिमिटेड, 7-8, आर.ए.पी. साइट 7 व 8 अणुशक्ति रावतभाटा, जिला चित्तौड़गढ़, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री नन्द बिहारी, कामगार , उप-अध्यक्ष/महामंत्री, निर्माण एवं असंगठित श्रमिक संघ, झालर बावड़ी, रावतभाटा, जिला-चित्तौड़गढ़, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय-भीलवाडा पंचाट (संदर्भ संख्या 93 OF 2022 -एल.सी.आर) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-87-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd May, 2024

S.O. 848.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 93 OF 2022 L.C.R) of the **Industrial Tribunal and Labor Court-Bhilwara**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **Project Manager, M/s- Gammon Engineers & Pvt. Ltd., 7-8, R.A.P. Site 7 & 8 Rawatbhata, District-Chittaurgarh ; Project Director, R.A.P.P. Site 7 & 8, Rawatbhata, District-Chittaurgarh; Subcontractor (Ajay Tapadia) M/s Vishal Construction Pvt. Ltd., M/s Gammon Engineers & Pvt. Ltd., 7-8, R.A.P. Site 7 & 8 Anushakti Rawatbhata, District Chittorgarh, and Shri Nand Bihari, Worker, Vice-President/General Secretary, Construction and Unorganized Workers Union, Jhalar Stepwell, Rawatbhata, District-Chittorgarh**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-87-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

श्रम न्यायालय, भीलवाड़ा

पीठासीन अधिकारी: श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या : 93 /2022 एल.सी.आर

श्री नन्द बिहारी पुत्र श्री लक्ष्मीनारायण, द्वारा—

अध्यक्ष/महामंत्री, निर्माण एवं संगठित श्रमिक संघ,

दशहरा मैदान के पास, मेनरोड, चारभुजा (झालरबावडी)

रावतभाटा, जिला—चित्तौड़गढ़।

.. प्रार्थी

: बनाम :

1. प्रोजेक्ट मैनेजर, मै0 गेमन इंजीनियर्स एंड प्रा0लि0, 7—8

आर.ए.पी.पी. साईट 7 व 8, रावतभाटा, चित्तौड़गढ़।

2. परियोजना निदेशक, आर.ए.पी.पी. साईट 7 व 8 रावतभाटा,

जिला—चित्तौड़गढ़।

3. सबकोन्ट्रेक्टर, (अजय टपारिया) मै0 विशाल निर्मिती प्रा0लि0,

मैनेजर गेमन इंजीनियर्स एंड प्रा0लि0, 7—8, आर.ए.पी.पी. साईट 7 व 8,

अणुशक्ति रावतभाटा, जिला—चित्तौड़गढ़।

.. विपक्षी/नियोजकगण

उपस्थित :

श्री मोहन नागर, प्रतिनिधि—प्रार्थी यूनियन की ओर से।

श्री प्रदीप बिल्लू अधिवक्ता—विपक्षी संख्या दो की ओर से।

श्री एल.एल. सोमानी, अधिवक्ता— विपक्षी संख्या—तीन की ओर से।

:: पंचाट ::

दिनांक 13.5.2023

प्रार्थी ने स्वयं के सेवा पृथक्करण बाबत विवाद इस न्यायालय में औ.वि.अधि.1947 की धारा 2 (ए) के तहत पेश किया—जिस पर प्रकरण दर्ज रजिस्टर किया जाकर विपक्षी को नोटिस जारी किया गया।

पत्रावली आज राष्ट्रीय लोक अदालत के समक्ष पेश हुई। प्रार्थी प्रतिनिधि ने दिनांक 21.04.2023 को जाहिर किया कि प्रार्थी प्रकरण में अब कोई कार्यवाही नहीं चाहता है। चूंकि प्रार्थी प्रतिनिधि प्रकरण में कोई कार्यवाही नहीं चाहते हैं। अतः कोई विवाद नहीं रहा' आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जाये

सुशील कुमार शर्मा, न्यायाधीश
औद्योगिक न्यायाधिकरण एवं

श्रम न्यायालय, भीलवाड़ा।

पंचाट आज दिनांक 13.5.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 6 मई, 2024

का.आ. 849.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप महानिदेशक, भारतीय भू विज्ञान सर्वेक्षण विभाग झेलना डूंगरी, जयपुर (राज); निदेशक, भारतीय भू विज्ञान सर्वेक्षण विभाग झेलना डूंगरी, जयपुर (राज), के प्रबंधतंत्र के संबद्ध नियोजकों और श्री सुनील कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- जयपुर, पंचाट (संदर्भ संख्या 20/2011) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-80-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 6th May, 2024

S.O. 849.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2011) of the **Central Government Industrial Tribunal cum Labour Court – Jaipur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Deputy Director General, Geological Survey of India Jhelna Dungri, Jaipur (Raj); Director, Geological Survey of India Jhelna Dungri, Jaipur (Raj), and Shri Sunil Kumar, Worker**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-80-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

पीठासीन अधिकारी

राधा मोहन चतुर्वेदी

सी.जी.आई.टी. प्रकरण सं.— 20/2011

श्री सुशील कुमार त्यागी पुत्र स्व. श्री रोहिताश त्यागी, निवासी— एफ— 28, सेक्टर— 29, घरौंदा, प्रताप नगर, सांगानेर जिला— जयपुर, (राजस्थान)।

.....प्रार्थी

बनाम

1. उप महानिदेशक, भारतीय भू विज्ञान सर्वेक्षण विभाग, 15-16, सांस्थानिक क्षेत्र, झालाना डूंगरी, जयपुर (राज.)।

2. निदेशक, भारतीय भू विज्ञान सर्वेक्षण विभाग, 15-16, सांस्थानिक क्षेत्र, झालाना डूंगरी, जयपुर (राज.)।

.....अप्रार्थीगण/विपक्षी

उपस्थित:—

: श्री सुशील कुमार त्यागी,— प्रार्थी स्वयं।

: श्री देवेन्द्र सैनी, अभिभाषक विपक्षीगण।

: अधिनिर्णय :

दिनांक : 23.11.2023

1. प्रार्थी की ओर से दिनांक 16.05.2011 को यह दावे का अभिकथन औद्योगिक विवाद अधिनियम 1947 (जिसे आगे मात्र अधिनियम कहा जावेगा) की धारा- 2A के प्रावधानों के अन्तर्गत- इस अधिकरण के समक्ष प्रस्तुत किया। दावे के संक्षिप्त तथ्य इस प्रकार हैं :-
2. प्रार्थी की नियुक्ति दिनांक 04.01.2004 को विपक्षीगण के अधीन चतुर्थ श्रेणी कर्मचारी (चपरासी) के पद पर 1800/- रु. के मासिक वेतन पर मौखिक आदेश द्वारा की गई थी। तीन वर्ष के उपरांत वेतन 3000/- रु. मासिक कर दिया गया। किंतु दिनांक 30.01.2009 को विपक्षीगण ने प्रार्थी को मौखिक रूप से अकारण सेवामुक्त कर दिया तथा माह नवंबर, 2008 से जनवरी, 2009 का 9000/- रु. वेतन देने से इन्कार कर दिया। प्रार्थी ने प्रत्येक केलेण्डर वर्ष में 240 दिन से अधिक कार्य किया- किंतु विपक्षी ने बिना नोटिस या नोटिस वेतन दिये अवैध रूप से सेवा समाप्त कर दी है। विपक्षीगण का यह कृत्य अनुचित श्रम अभ्यास है तथा अधिनियम की धारा 25 F G व H के अन्तर्गत अवैध है। इस संबंध में परिवाद समझौता अधिकारी के समक्ष प्रस्तुत करने पर समझौता संभव नहीं हुआ अतः असफल प्रतिवेदन प्रस्तुत किया- किंतु केन्द्र सरकार द्वारा विवाद को न्यायनिर्णय हेतु निर्देशित नहीं किया गया। प्रार्थी सेवा समाप्ति से आज तक बेरोजगार है। उसके पास आजीविका का कोई साधन नहीं है। अतः सेवा समाप्ति दिनांक 30.01.2009 को अवैध घोषित करते हुये प्रार्थी को सेवा में निरंतरता, विगत वेतन व परिलाभों सहित सेवा में बहाल किया जावे।
3. दिनांक 04.07.2012 को विपक्षी ने वादोत्तर प्रस्तुत कर वाद के तथ्यों को अस्वीकार किया। विपक्षी का यह आक्षेप है कि प्रार्थी द्वारा प्रस्तुत रिव्यू याचिका माननीय उच्च न्यायालय के समक्ष लंबित है- इसलिए वाद पोषणीय नहीं है। प्रार्थी को ठेकेदार द्वारा कार्य पर लगाया गया था जो एक निश्चित अवधि तक ही कार्य पर रखा गया। प्रार्थी को विपक्षी द्वारा नियुक्त नहीं किया गया इसलिए सेवा-पृथक किये जाने का प्रश्न ही नहीं उत्पन्न होता है। विपक्षी "उद्योग" की परिभाषा में नहीं आता है। संविदाजन्य नियुक्ति होने से प्रार्थी अधिनियम के अन्तर्गत कोई लाभ प्राप्त करने का अधिकारी नहीं है। प्रार्थी ने किसी भी केलेण्डर वर्ष में 240 दिन से अधिक कार्य नहीं किया है- अतः वाद निरस्त किया जावे।
4. प्रार्थी द्वारा वादोत्तर के विरुद्ध अतिरिक्त कथन भी प्रस्तुत कर वादोत्तर के कथनों को अस्वीकार करते हुए वाद को पोषणीय होना कहा है। प्रार्थी को संविदा पर कभी नहीं रखा गया वरन चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया गया था। अतः प्रार्थी को वांछित अनुतोष दिया जावे।
5. इस अधिकरण द्वारा दिनांक 04.12.2013 को इस विवाद में निम्नांकित बिंदु विनिश्चय हेतु विरचित किये गये:
 - I. Whether the workman was employed as class IV employee by the non-applicant & he had worked continuously during period 04.01.2004 to 29.01.2009, whose services were terminated on 30.01.2009 in violation of section 25-F of the I.D. Act?
 - II. Whether the non-applicant is an 'industry' u/s 2- (J) of the I.D. Act?
 - III. Whether the claim of workman is not maintainable on the grounds mentioned in Para 1 of the reply to the claim statement?
 - IV. To what relief, the workman is entitled to?
6. प्रार्थी द्वारा अपने साक्ष्य में प्रार्थी स्वयं को परीक्षित किया एवं प्रलेखीय साक्ष्य में प्रदर्श & W 1 I से W 7 तक प्रलेख प्रदर्शित किये।
7. विपक्षीगण ने अपने साक्ष्य में श्री अरविन्द कुमार को परीक्षित किया- किंतु कोई प्रलेखीय साक्ष्य प्रस्तुत नहीं की।
8. दिनांक 16.02.2022 को प्रार्थी द्वारा एवं 24.04.2023 को विपक्षीगण के अभिभाषक द्वारा लिखित तर्क प्रस्तुत किये गये- तर्कों की प्रतियाँ उभयपक्ष को उपलब्ध करवाई गई है।
9. दिनांक 02.11.2023 को प्रार्थी एवं विपक्षी अभिभाषक की ओर से उपस्थित श्री देवेन्द्र सैनी एडवोकेट ने अधिकरण को सूचित किया कि उनके लिखित तर्कों के अतिरिक्त उन्हें अन्य कोई मौखिक तर्क प्रस्तुत नहीं करने है- अतः अधिनिर्णय पारित कर दिया जावे। इस स्थिति में उभयपक्ष के लिखित तर्कों पर उपलब्ध साक्ष्य के संदर्भ में परिशीलन किया गया। तत्पश्चात विनिश्चय हेतु विरचित बिंदुओं पर विनिश्चय इस प्रकार है।
10. बिंदु सं.- 1 इस बिंदु के अंतर्गत यह विचारणीय है कि क्या विपक्षीगण द्वारा प्रार्थी को चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया गया तथा प्रार्थी दिनांक 04.01.2004 से 29.01.2009 तक सतत कार्यरत रहा एवं दिनांक 30.01.2009 को विपक्षीगण ने प्रार्थी को अधिनियम की धारा 25 (F) के प्रावधानों का अनुपालन न करते हुए सेवापृथक कर दिया?
11. इस संदर्भ में यह उल्लेख किया जाना सुसंगत है कि माननीय सर्वोच्च न्यायालय द्वारा निर्णयों की एक

श्रृंखला में यह अधिमत्त प्रतिपादित किया गया है कि विपक्षी के अधीन एक केलेण्डर वर्ष में 240 दिन से अधिक सेवा लगातार किये जाने का तथ्य प्रार्थी/ कर्मकार को ठोस विश्वसनीय साक्ष्य द्वारा प्रमाणित करना होगा। इस बिंदु को प्रमाणित करने हेतु प्रार्थी ने प्रदर्श & W 1 से 7 तक कतिपय प्रलेख साक्ष्य में प्रदर्शित किये हैं। इन प्रलेखों का विवेचन इस प्रकार है:

12. प्रदर्श & W 1 प्रमाण पत्र दिनांक 26.07.2008 है— इस प्रमाण पत्र में यह तथ्य वर्णित है कि प्रार्थी क्वार्टर सं. VI/1 GSI आफिसर्स कॉलोनी इंदिरानगर, जयपुर में निवास कर रहा है। प्रार्थी ने अपनी प्रतिपरीक्षा में यह स्वीकार किया है कि यह क्वार्टर आफिसर्स को आवंटित होने वाला क्वार्टर है— चपरासियों हेतु नहीं। फिर भी दुराग्रह पूर्वक कहता है कि उसे यही क्वार्टर आवंटित हुआ था। स्पष्ट है कि यह प्रमाण पत्र न तो आवास आवंटन पत्र है और न ही प्रार्थी को विपक्षी की सेवा में नियुक्त किये जाने का प्रमाण पत्र। इस प्रमाण पत्र से अधिकाधिक यही समझा जा सकता है कि प्रार्थी 26.07.2008 को इस भवन में निवास कर रहा था। निष्कर्ष रूप में यह प्रार्थी की सेवा में नियुक्ति का प्रमाण नहीं माना जा सकता है।
13. प्रदर्श & W 2 प्रार्थी के चरित्र को अच्छा प्रमाणित करने मात्र के उद्देश्य से जारी किया गया है— तथा नियुक्ति हेतु प्रमाण नहीं है। प्रदर्श & W 3 मतदाता पहचान पत्र है। प्रदर्श-4 आवास आवेदन पत्र है— जिसमें प्रार्थी ने स्वयं को दैनिक वेतन भोगी होना दर्शाया गया है— जबकि स्वयं के शपथ पत्र में प्रार्थी ने 1800/- रु. मासिक वेतन पर नियुक्त होना कहा है। प्रदर्श & W 5, W 6 व W 7 से भी प्रार्थी का विपक्षी के अधीन किसी प्रकार नियोजित होने का तथ्य प्रमाणित नहीं होता है।
14. प्रार्थी ने अपनी प्रतिपरीक्षा में यह स्वीकार किया है कि प्रार्थी को न तो लिखित रूप में नियुक्ति पत्र दिया गया न ही सेवामुक्ति पत्र लिखित दिया गया। यह स्वतः संज्ञान लिये जाने योग्य तथ्य है कि विपक्षी संस्थान भारत सरकार के भू सर्वेक्षण विभाग के अधीन एक संस्थान है— तथा इस संस्थान में किसी भी पद पर — किसी भी प्रकृति की नियुक्ति हेतु एक विहित प्रक्रिया का अनुपालन किया जाना आवश्यक है। इस स्थिति में प्रार्थी का यह कथन कि उसे मौखिक रूप से सेवा में नियुक्त व सेवामुक्त किया गया था— विश्वसनीय नहीं है। विपक्षी साक्षी ने अपने शपथ कथन में यह कहा है कि प्रार्थी अंशकालीन श्रमिक के रूप में कार्य करता था तथा उसने किसी भी केलेण्डर वर्ष में 240 दिन तक कार्य नहीं किया। प्रलेखों के प्रस्तुतीकरण हेतु प्रार्थी ने दिनांक 17.12.2013 को अधिकरण के समक्ष एक प्रार्थना पत्र प्रस्तुत कर विपक्षीगण से प्रार्थी का उपस्थिति व वेतन भुगतान का रिकार्ड प्रस्तुत करवाने का निवेदन किया था— इस प्रार्थना पत्र के प्रत्युत्तर में विपक्षी के प्राधिकृत अधिकारी श्री ए. के. शर्मा, निदेशक (विधि) ने स्पष्ट कहा है कि प्रार्थी द्वारा चाहे गये प्रलेख विभाग के रिकार्ड में उपलब्ध नहीं हैं— न ही कभी रिकार्ड में रहे हैं— इसलिए प्रस्तुत करना संभव नहीं है। इस तथ्यात्मक परिदृश्य में यह स्पष्ट है हो गया है कि प्रार्थी की विपक्षीगण द्वारा किसी प्रकार नियुक्ति किये जाने का तथ्य, तथा विपक्षीगण के अधीन नियुक्ति के उपरांत 240 दिन से अधिक सतत सेवा एक केलेण्डर वर्ष में किये जाने का तथ्य— प्रार्थी की किसी सुसंगत ठोस साक्ष्य के अभाव में प्रमाणित नहीं हो सका है।
15. प्रार्थी ने जो भी प्रलेख साक्ष्य में प्रदर्शित किये हैं वे सभी प्रार्थी की चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्ति का तथ्य प्रमाणित नहीं करते हैं। तर्क के उद्देश्य से यह मान भी लिया जावे कि प्रार्थी को अंशकालीन श्रमिक के रूप में कार्य हेतु विपक्षी द्वारा बुलाया जाता था, तो भी एक केलेण्डर वर्ष में इस रीति से 240 दिन से अधिक सतत कार्य करने का तथ्य प्रमाणित करने का सिद्धिभार प्रार्थी पर ही था जो प्रार्थी ने उन्मोचित नहीं किया है।
16. जब प्रार्थी की नियुक्ति का तथ्य ही प्रमाणित नहीं हो सका है तो 30.01.2004 को विपक्षीगण द्वारा प्रार्थी की सेवा समाप्ति का तथ्य स्वतः अप्रमाणित रह जाता है। प्रार्थी की सेवा समाप्ति छंटनी के रूप में प्रमाणित होने पर ही अधिनियम की धारा 25 (F) के प्रावधानों के अंतर्गत एक माह का नोटिस या नोटिस वेतन व छंटनी प्रतिकर के भुगतान के प्रश्न उत्पन्न होते हैं— अन्यथा नहीं। इसलिए विपक्षीगण द्वारा अधिनियम की धारा 25 (F) के प्रावधानों की अनुपालना किये जाने की अपेक्षा विधितः उत्पन्न ही नहीं हुई है। इस विवेचन के उपरांत यह बिंदु प्रार्थी के विरुद्ध निर्णीत किया जाता है।
17. बिंदु सं.— 2 इस बिंदु के अंतर्गत प्रार्थी पर यह दायित्व आरोपित है कि वह विपक्षी का अधिनियम की धारा 2 (J) के अंतर्गत एक उद्योग होना प्रमाणित करे। किंतु प्रार्थी ने अपने साक्ष्य एवं लिखित तर्कों में इस संबंध में कोई कथन नहीं किये हैं तथा प्रलक्षित रूप से इस बिंदु पर कोई बल नहीं दिया है। अतः यह बिंदु प्रार्थी के विरुद्ध निर्णीत किया जाता है।
18. बिंदु सं.— 3 इस बिंदु के अंतर्गत विपक्षी पर यह दायित्व है कि वह अपनी इस आपत्ति को प्रमाणित करे कि श्रम मंत्रालय द्वारा दस्तावेजों के अभाव में प्रार्थी का विवाद औद्योगिक विवाद के रूप में न्यायनिर्णयन हेतु संदर्भित नहीं किये जाने के कारण— यह दावा पोषणीय नहीं है। किंतु विपक्षी ने न तो अपने साक्ष्य में और न ही अपने लिखित तर्क में इस बिंदु के संबंध में कोई कथन किया है— इस प्रकार प्रलक्षित रूप में इस बिंदु पर कोई बल नहीं दिया है। किंतु यह भी महत्वपूर्ण है कि दिनांक 06.07.2011 को इस अधिकरण द्वारा इन तथ्यों पर विचार करते हुये अधिनियम की धारा 2A के अंतर्गत उपबंधित

अपेक्षाओं की पूर्ति हो जाना मान कर ही प्रार्थी का प्रार्थना पत्र विचार हेतु पंजीबद्ध करने का आदेश दिया गया है। इस स्थिति में यह आपत्ति स्वतः निराकृत मानते हुए यह बिंदु विपक्षीगण के विरुद्ध निर्णीत किया जाता है।

19. बिंदु सं.— 4 बिंदु सं. I, II प्रार्थी के विरुद्ध निर्णीत होने पर प्रार्थी यह प्रमाणित नहीं कर सका है कि उसे विपक्षीगण द्वारा 04.01.2004 को मौखिक रूप से नियुक्त किया गया एवं दिनांक 29.01.2009 को छंटनी के रूप में सेवामुक्त किया गया— तथा अधिनियम की धारा 25 (F) के प्रावधानों की अनुपालना न होने से यह सेवासमाप्ति अवैध है। इस निष्कर्ष के प्रकाश में प्रार्थी विपक्षीगण से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।
20. अधिनिर्णय की प्रतिलिपि औद्योगिक विवाद अधिनियम, 1947 की धारा 17 (1) के अनुसरण में प्रकाशनार्थ प्रेषित की जावे।

राधा मोहन चतुर्वेदी, पीठासीन अधिकारी

नई दिल्ली, 6 मई, 2024

का.आ. 850.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, भारत इलेक्ट्रॉनिक्स लिमिटेड, जलाहल्ली पोस्ट, बेंगलोर, के प्रबंधतंत्र के संबद्ध नियोजकों और महासचिव, बेल मजदूर संघ, जलाहल्ली पोस्ट, बेंगलोर, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- बेंगलोर, पंचाट (संदर्भ संख्या 01/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-81-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 6th May, 2024

S.O. 850.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 01/2024) of the **Central Government Industrial Tribunal cum Labour Court – Bangalore** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Bharat Electronics Limited, Jalahalli Post, Bangalore, and The General Secretary, Bel Mazdooor Sangh., Jalahalli Post, Bangalore**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42025-07-2024-81-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE, CAMP COURT AT HYDERABAD

DATED : 23rd APRIL 2024

PRESENT : **Shri IRFAN QAMAR**

Presiding Officer

C R No. 01/2024

I Party

The General Secretary,
Bel Mazdooor Sangh,
No. 8, BEL Gine Arts
Complex,
Jalahalli,
BANGALORE – 560 013.

II Party

The General Manager,
Bharat Electronics Limited,
Jalahalli Post,
BANGALORE – 560 013

Appearances

I Party : Self

II Party : Self

1. The Office of the Deputy Chief Labour Commissioner (C), Government of India, Ministry of Labour vide Order No. 95(FOC/30)2023-B4 dated 25.01.2024 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the action of the management of BEL, Bengaluru is justified in changing the shift timings unilaterally is proper, legal and justified?

If not, to what relief the BEL Mazdoor Sangh is entitled to?”

2. After Registering the matter notices were issued to parties who appeared. During the pendency of Industrial Dispute 1st Party Union General Secretary has filed Memo of Withdrawal stating that the management has issued a Circular No. 3143 dated 19.03.2024 ratifying the Shift Timings, hence, they would be withdrawing the present dispute.

3. Perused the records, the Union General Secretary has filed Memo dated 19.03.2024 in the present matter voluntarily written “*NTU of BEL and BEL Management Bengaluru Complex have bilaterally resolved the shift timings, hence both the parties have No Objection in withdrawal of the Case No. CR 01/2024*”. The Respondents have submitted no Objection in that regard. Therefore, in view of the above Memo is allowed. No Claim Award is passed. Transmit.

AWARD

The Reference is Rejected since the dispute is settled.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 23rd April 2024)

IRFAN QAMAR, Presiding Officer

नई दिल्ली, 6 मई, 2024

का.आ. 851.— औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधिशासी अभियंता, चंबल मण्डल कार्यालय सांगानेर, जयपुर अध्यक्ष, केन्द्रीय जल आयोग, आर. के. पुरम, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री इकबाल अली, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- जयपुर, पंचाट (संदर्भ संख्या 13/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 03.05.2024 को प्राप्त हुआ था।

[सं. एल-42012/206/2014-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 6th May, 2024

S.O. 851.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/2015) of the **Central Government Industrial Tribunal cum Labour Court – Jaipur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Executive Engineer, Chambal Division Office Sanganer, Jaipur; The Chairman, Central Water Commission R.K. Puram, New Delhi, and Shri Iqbal Ali, Worker**, which was received along with soft copy of the award by the Central Government on 03.05.2024.

[No. L-42012/206/2014-IR (DU)]

DILIP KUMAR, Under Secy.

अनुलग्नक

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

पीठासीन अधिकारी

राधा मोहन चतुर्वेदी

सी.जी.आई.टी. प्रकरण सं. 13/2015

Reference No. L-42012/206/2014-IR (DU)

Dated: 02.02.2015

श्री इकबाल अली पुत्र श्री अमीर अली, निवासी— उपर कोटा, सैयद का वास, जिला— जालौर, (राजस्थान)
343041

.....प्रार्थी

बनाम

1. अधिशासी अभियंता, चंबल मण्डल कार्यालय 84/93/96 प्रताप नगर, सांगानेर, जयपुर।
2. अध्यक्ष, केन्द्रीय जल आयोग, रूम नं. 310, सेवा भवन, आर. के. पुरम, नई दिल्ली।

.....अप्रार्थीगण/विपक्षी

उपस्थित:-

: श्री दिनेश पुरोहित, अभिभाषक प्रार्थी।

: श्री एम. के. मीना, अभिभाषक विपक्षीगण।

: अधिनिर्णय :

दिनांक : 31.10.2023

1. श्रम मंत्रालय भारत सरकार नई दिल्ली द्वारा दिनांक 02.02.2015 को औद्योगिक विवाद अधिनियम 1947 (जिसे आगे मात्र अधिनियम कहा जावेगा) की धारा 10 (1) (डी) व 2A के अन्तर्गत प्रदत्त शक्तियों के अनुसरण में निम्नांकित औद्योगिक विवाद न्यायनिर्णयन हेतु इस अधिकरण को संदर्भित किया गया :-

“क्या प्रबंधन श्रीमान अधिशासी अभियंता, चंबल मण्डल, 84/93-96, प्रताप नगर, सांगानेर, जयपुर (राज.) द्वारा कर्मकार श्री इकबाल अली पुत्र श्री अमीर अली, को वर्ष 1983 के पश्चात् सेवा में नहीं लेना व उसे नियमित करने की कार्यवाही से वंचित करना वैधानिक एवं न्याय संगत है, यदि नहीं तो प्रार्थी किस राहत का और कब से पाने का हकदार हैं ”

2. दिनांक 22.06.2015 को प्रार्थी ने अपने दावे का अभिकथन प्रस्तुत किया जिसके संक्षिप्त तथ्य इस प्रकार हैं: प्रार्थी को विपक्षी द्वारा दिनांक 02.08.1983 को खलासी के कार्य प्रभारी पद पर वेतनमान 196- 2-232 एवं अन्य भत्तों सहित 89 दिन के लिये नियमानुसार नियुक्त किया गया। उक्त आदेश को 05.08.1983 को विपक्षी द्वारा संशोधित किया गया जिसके अनुपालन में 10.08.1983 को प्रार्थी ने सब डिविजन, जालौर में कार्य प्रारंभ किया। विपक्षी द्वारा 89 दिनों के बाद प्रार्थी की सेवा अकारण बिना नोटिस दिये गये समाप्त कर दी गई। विपक्षी ने सेवा समाप्ति के पूर्व नियमानुसार कोई वरीयता सूची भी नहीं बनाई और प्रकाशित भी नहीं की। प्रार्थी से कनिष्ठ अन्य कर्मचारियों को सेवा में रखते हुये प्रार्थी को सेवा से मुक्त कर दिया गया। प्रार्थी को जब इस तथ्य का पता चला तो 09.11.2005 को उसने पुनः नियुक्ति हेतु प्रार्थना पत्र दिया लेकिन विपक्षी ने उस पर कोई विचार नहीं किया। नारायण सिंह, डंगाराम व मांगीलाल आदि कर्मचारी विपक्षी ने नये नियुक्त किये जो आज भी नियमित रूप से कार्य कर रहे हैं। अतः प्रार्थी को पुनः सेवा में बहाल करके नियमित पद पर अन्य कर्मचारियों को मिलने वाले समस्त वेतन परिलाभ दिलाये जाये।
3. विपक्षी ने प्रतिउत्तर में यह कहा है कि प्रार्थी के नियुक्ति आदेश में यह स्पष्ट लिखा गया है कि उसकी नियुक्ति 89 दिन के लिये अस्थाई रूप से की जा रही हैं, जो नियमित नहीं की जायेगी। प्रार्थी ने 32 वर्ष बाद यह वाद प्रस्तुत किया है जो न्याय संगत नहीं हैं। विभाग को रोजगार कार्यालय द्वारा अस्थाई नियुक्ति हेतु अवगत कराया जाता था और पंजीकृत अभ्यर्थियों को बुलावा भेजा जाता था। प्रतिवर्ष यह प्रक्रिया ऋतु अनुसार मौसमी खलासी के पद पर नियुक्ति हेतु दौहरायी जाती थी। नियुक्ति पत्र की अवधि समाप्त हो जाने पर प्रार्थी की सेवा स्वतः समाप्त हो गई। इसलिए विभाग को नोटिस देने की आवश्यकता नहीं पड़ी। प्रार्थी ने लगभग 20 वर्ष उपरांत अपनी नियुक्ति हेतु प्रार्थना पत्र दिया जिसका प्रतिउत्तर विभाग ने दे दिया। मौसमी खलासियों की वरिष्ठता सूची के आधार पर नियमित पद रिक्त होने पर सेवारत खलासियों का नियमितकरण किया गया हैं। प्रार्थी न रोजगार कार्यालय में स्वयं का पंजीकरण करवाया हो अथवा रोजगार कार्यालय द्वारा प्रार्थी का नाम विपक्षी को भेजा गया हो, ऐसा कोई दस्तावेज प्रार्थी ने प्रस्तुत नहीं किया। प्रार्थी की नियुक्ति जिस कार्यालय में की गई थी वह कार्यालय 1986 में बंद कर दिया गया। नियुक्ति की शर्तों को स्वीकार करने के बाद ही प्रार्थी ने 89 दिन कार्य किया था, इसलिए प्रार्थी पुनः सेवा में लिए जाने और नियमित किये जाने का अधिकारी नहीं है। अतः वाद निरस्त किया जावे।

4. प्रार्थी ने अपने साक्ष्य में स्वयं प्रार्थी इकवाल अली को परीक्षित किया एवं प्रलेखीय साक्ष्य में प्रदर्श-W-1 से W-9 तक प्रलेखों को प्रदर्शित किया।
5. विपक्षी की ओर से MW-1 विवेक कुमार सिंह अधिशासी अभियंता को परीक्षित किया गया तथा प्रदर्श M-1 से M-4 तक प्रलेख प्रदर्शित किये गये।
6. दिनांक 25.10.2023 को मैंने उभयपक्ष के विद्वान अभिभाषकगण के मौखिक तर्क सुने एवं उपलब्ध अभिवचनों और साक्ष्य का परिशीलन किया।

7. इस विवाद में निम्नांकित विचारणीय बिंदु न्यायनिर्णयन हेतु उत्पन्न हुये हैं:

बिन्दु सं.-1 क्या प्रार्थी की दिनांक 02.08.1983 व संशोधित आदेश दिनांक 05.08.1983 के अनुसरण में नियुक्ति के बाद 89 दिन की अवधि के उपरांत विपक्षी द्वारा बिना नोटिस दिये सेवा से पृथक किया जाना अनुचित एवं अवैध है?

.....प्रार्थी

बिन्दु सं.-2 क्या विपक्षी द्वारा प्रार्थी की सेवा समाप्ति के पश्चात प्रार्थी से कनिष्ठतर व्यक्तियों को सेवा में नियुक्ति देकर प्रार्थी को वरीयता नहीं दी गई?

.....प्रार्थी

बिन्दु सं.-3 अनुतोष?

बिन्दु सं.-1 प्रार्थी की ओर से यह तर्क प्रबल रूप से प्रस्तुत किया गया है कि प्रार्थी को 89 दिनों की अवधि के लिये यद्यपि नियुक्त किया गया था किंतु प्रार्थी को सेवामुक्त करने के पूर्व उसे कोई नोटिस या नोटिस वेतन व क्षतिपूर्ति नहीं दिये गये तथा अकारण सेवा समाप्त कर दी गई। इस प्रकार प्रार्थी की अवैध रूप से छंटनी की गई।

(2) इस तर्क का खण्डन करते हुये विपक्षी का यह वितर्क है कि प्रार्थी को अगस्त 1983 में प्रदर्श W-1 आदेश जारी कर 89 दिन की निश्चित अवधि के लिये नियुक्त किया था। इस आदेश में ही यह शर्त वर्णित थी कि नियुक्ति अस्थाई है जो कि आदेश में वर्णित अधिकतम अवधि 89 दिन तक होगी तथा नियुक्त कर्मचारी को स्थाई नियुक्ति का अधिकार भी नहीं होगा।

(3) मैंने परस्पर विरोधी तर्कों एवं सुसंगत विधिक प्रावधानों पर विचार किया। पदर्श W-1 नियुक्ति आदेश दिनांक 02.08.1983 का पठन मात्र यह स्पष्ट करता है कि प्रार्थी की नियुक्ति एक निश्चित अवधि जो कि 89 दिन थी, हेतु की गई थी। इस नियुक्ति की प्रकृति अस्थाई थी। विपक्षी द्वारा स्पष्ट रूप से इस आदेश की शर्तों में यह भी लिखा गया है कि यदि प्रार्थी इस प्रस्ताव को स्वीकार करते हैं तो वे कार्यभार ग्रहण करें।

(4) प्रार्थी ने अपने प्रतिपरीक्षण में यह स्वीकार किया है कि केन्द्रीय जल आयोग द्वारा नियुक्ति, उसकी नियुक्ति के पूर्व, नियुक्ति के समय एवं उसके पश्चात रोजगार कार्यालय के माध्यम से होती रही है। उसे यह भी ज्ञात है कि रोजगार कार्यालय में पंजीयन के उपरांत उसका नवीनीकरण भी करवाया जाता है। लेकिन प्रार्थी की ओर से ऐसा कोई प्रमाण प्रस्तुत नहीं किया गया है जिससे प्रार्थी द्वारा रोजगार कार्यालय में उसके पंजीकरण का नवीनीकरण करवाया जाना प्रमाणित हो। प्रार्थी ने यह तथ्य भी स्वीकार किया है कि उसकी तरह अन्य व्यक्तियों को भी बाढ़ के समय 89 दिन के लिये लगाया गया था।

(5) इस संबंध में अधिनियम की धारा 2 (oo) (bb) के प्रावधान सुसंगत हैं। इन प्रावधानों के अनुसार नियोजक और संबंधित कर्मकार के बीच हुई नियोजन संविदा के समाप्त हो जाने अथवा संविदा में उस निमित्त अन्तर्विष्ट किसी अनुबंध के अधीन ऐसी संविदा का पर्यावसान किये जाने के फलस्वरूप, कर्मकार की सेवा का पर्यावसान, छंटनी की परिभाषा के अन्तर्गत समाहित नहीं है।

(6) इस विवाद में प्रार्थी और विपक्षी के मध्य एक नियोजन संविदा होना एवं प्रदर्श W-1 आदेश के माध्यम से 89 दिन की निश्चित अवधि हेतु प्रार्थी को नियुक्ति हेतु प्रस्ताव दिया जाना स्पष्ट रूप से परिलक्षित होता है। विपक्षी के इसी प्रस्ताव को स्वीकार कर प्रार्थी ने कार्यभार ग्रहण किया। इस निश्चित अवधि को विपक्षी द्वारा किसी प्रकार अभिवृद्ध नहीं किया गया क्योंकि यह बाढ़ जैसे एक मौसमी कार्य के लिये की गई नियुक्ति थी। प्रतिवर्ष रोजगार कार्यालय से प्राप्त पंजीकृत आशार्थियों में से आवश्यकता प्रतीत होने पर 89 दिन के लिये इसी प्रकार नियुक्ति की जाती रही, जैसा कि प्रदर्श W-3 आदेश से भी प्रकट होता है।

(7) यह स्पष्ट है कि इस नियुक्ति के उपरांत प्रार्थी द्वारा, चूंकि आगामी वर्ष हेतु रोजगार कार्यालय में अपने पंजीकरण का नवीनीकरण नहीं करवाया गया, इसलिए उसकी नियुक्ति आगामी वर्ष में मौसमी कार्य संपादन के उद्देश्य से नहीं हो पायी। इन परिस्थितियों में 89 दिन की सेवा अवधि के उपरांत सेवा अवधि का विस्तार न करते हुये सेवा का पर्यावसान किया जाना, अधिनियम की धारा 2 (oo) (bb) के प्रावधानों के प्रकाश में छंटनी नहीं है। चूंकि इस प्रकार हुई सेवा समाप्ति छंटनी नहीं है, इसलिए अधिनियम की धारा 25 (F) के

प्रावधान जिनके अन्तर्गत कर्मकार की छंटनी द्वारा सेवा समाप्ति के पूर्व एक माह का नोटिस या नोटिस वेतन एवं छंटनी प्रतिकर दिये जाने का उल्लेख है, स्वतः आकर्षित नहीं होते हैं।

(8) इस विधिक एवं तथ्यात्मक परिदृश्य में विपक्षी द्वारा प्रार्थी की सेवा अवधि के पर्यावसान के पूर्व नोटिस दिये जाने की आवश्यकता विधितः उत्पन्न नहीं होती है और सेवा का पर्यावसान वैध प्रमाणित होता है। अतः यह बिन्दु प्रार्थी के विरुद्ध निर्णीत किया जाता है।

बिन्दु सं.-2 (1) उपर्युक्त बिन्दु सं. (1) के अन्तर्गत साक्ष्य के विवेचन से यह निष्कर्षित हो चुका है कि प्रार्थी ने विपक्षी के अधीन सेवा में कार्यभार ग्रहण करने के पश्चात् रोजगार कार्यालय में स्वयं के पंजीकरण का नवीनीकरण नहीं करवाया न ही सेवा समाप्ति के तुरंत बाद विपक्षी के यहाँ पुनः नियोजन प्राप्त करने हेतु कोई आवेदन किया। इस स्थिति में विपक्षी से यह अपेक्षा किया जाना उचित नहीं है कि वे रोजगार कार्यालय से प्राप्त अभ्यर्थियों के अतिरिक्त प्रार्थी जैसे किसी व्यक्ति को जिसका नाम रोजगार कार्यालय से अग्रेषित ही नहीं हुआ हो, न ही वहाँ पंजीकृत हो, को नियुक्ति हेतु अन्य व्यक्तियों पर वरीयता देते हुये विचारित करें।

(2) प्रार्थी ने प्रदर्श W-3 आदेश अपने साक्ष्य में प्रस्तुत किया है। प्रथम तो इस आदेश से यह स्पष्ट नहीं होता है कि नियुक्ति किये गये व्यक्ति किस प्रकार प्रार्थी से कनिष्ठतर है, दूसरे प्रार्थी ने ऐसा कोई साक्ष्य भी प्रस्तुत नहीं किया है जिससे यह प्रकट होता हो कि प्रार्थी का नाम रोजगार कार्यालय से नियोजन हेतु अग्रेषित होने पर भी उसे नियुक्ति हेतु वरीयता न दी गई हो।

(3) प्रार्थी द्वारा प्रस्तुत प्रदर्श W-4, 5, 6, 7, 8 वे प्रार्थना पत्र है जो प्रार्थी द्वारा सेवा समाप्ति के लगभग 22- 23 वर्षों के उपरांत प्रस्तुत किये गये हैं। मेरे अभिमत से ये प्रार्थना पत्र किसी प्रकार विपक्षी पर यह विधिक दायित्व आरोपित नहीं करते कि वह प्रार्थी को नियुक्ति हेतु विचारित करे।

(4) इस प्रकार प्रार्थी यह प्रमाणित करने में विफल रहा है कि विपक्षी द्वारा उसकी सेवा समाप्ति के उपरांत उससे कनिष्ठतर व्यक्तियों को सेवा में नियुक्त करते हुये प्रार्थी को वरीयता नहीं दी गई। प्रार्थी ने स्वयं को नियोजन हेतु योग्य अभ्यर्थी (रोजगार कार्यालय में पंजीकृत / नवीनीकृत) के रूप में प्रस्तुत करते हुये नियोजन हेतु कोई आवेदन नहीं किया। अतः यह बिन्दु प्रार्थी विरुद्ध निर्णीत किया जाता है।

बिन्दु सं.-3 अनुतोष:- विचारणीय बिन्दु सं. 1 व 2, से प्राप्त निष्कर्ष के आधार पर प्रार्थी की सेवा का पर्यावसान विपक्षी द्वारा निश्चित अवधि 89 दिन के उपरांत वैध रूप से किया गया प्रमाणित होता है। इसलिये प्रार्थी विपक्षी से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है। भारत सरकार द्वारा संदभित औद्योगिक विवाद का न्यायनिर्णयन इसी प्रकार किया जाता है।

8. अधिनिर्णय की प्रतिलिपि औद्योगिक विवाद अधिनियम, 1947 की धारा 17 (1) के अनुसरण में प्रकाशनार्थ प्रेषित की जावे।

राधा मोहन चतुर्वेदी, पीठासीन अधिकारी

नई दिल्ली, 7 मई, 2024

का.आ. 852.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य महाप्रबंधक, दूरसंचार, बीएसएनएल, एबिड्स, हैदराबाद; सहायक महाप्रबंधक (प्रशासन), कार्यालय सीजीएमटी, ए.पी. सर्कल, हैदराबाद, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री वनिगल्ला वेंकटेश्वर राव, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 14/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10/05/2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2023-85-आई.आर. (डीयू)]

दिलीप कुमार, अवसर सचिव

New Delhi, the 7th May, 2024

S.O. 852.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/2017) of the **Central Government Industrial Tribunal cum Labour Court – Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief General Manager, Telecommunications, BSNL, Abids, Hyderabad ;The Assistant General Manager (Admn), O/o CGMT, A.P. Circle, Hyderabad, and Shri Vanigalla Venkateswar Rao, Worker**, which was received along with soft copy of the award by the Central Government on 10/05/2023.

[No. L-42025-07-2023-85-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 26th day of April, 2023

INDUSTRIAL DISPUTE L.C.No. 14/2017

Between:

Sri Vanigalla Venkateswar Rao,

S/o Nagabhushanam,

R/o Keshavapuram (V) Muddunuru(Post)

Thallad(M) Khammam District.

.....Petitioner

AND

1. The Chief General Manager,
Telecommunications, BSNL,
Abids, Hyderabad.

2. The Assistant General Manager (Admn.)
O/o CGMT, A.P. Circle,
Hyderabad – 1.

....Respondents

Appearances:

For the Petitioner : M/s. M.V. Hanumantha Rao, Advocates

For the Respondent: Sri S. Prabhakar Reddy, Advocate

AWARD

Sri Vanigalla Venkateswar Rao, who worked as Mazdoor (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents, Railway Electrification Project (REF), BSNL, Secunderabad seeking for declaring the proceeding No. TA/STB/20-2/REP/06-10/53 dated 8.6.2010 issued by the Respondent as illegal, arbitrary, discriminatory, violative of principles of natural justice and to set aside the same consequently directing the Respondents to regularize or re-engage the Petitioner into service duly granting all the consequential benefits and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows:**

It is submitted that the Petitioner has worked as Mazdoor in Railway Electrification Project(REF) Secunderabad to Nagpur from 1.1.1994 to 30.9.1996 for 1004 days along with others. The Petitioner submitted that thereafter he along with others continued on voucher payment basis for some time and thereafter on contract basis. Petitioner along with others have been requesting for regularization or to provide regular work still no action has been taken by the department, though they have worked for a considerable period. Further, petitioner came to know that by proceedings dated 21.11.2000 similarly situated 79 persons have been regularized by giving them "temporary status" by the respondent, in fact those persons are juniors to the petitioner and other similarly situated persons. Petitioner hails from poor family and have been pursuing the authorities since long time with a hope that the department would consider her claim in a positive manner. Petitioner submits that, as there was no action taken by the respondents he along with others approached Hon'ble Central Administrative Tribunal, Hyderabad Bench, at Hyderabad by filing OA. Nos. 100/10 and 101/10 and the Hon'ble Tribunal after hearing both the parties disposed of the OAs, on 10.2.2010 with specific directions "since the applicants in the OA also have similar claims as the applicants in the WP.No.12872/08, I consider it appropriate to dispose of this Original Application by giving a direction to the applicants to file individual representations to the respondents giving full details namely, their addresses, places at which they were engaged, the period for which they were engaged etc., within a period of 4 weeks and on receipt of such representations, the respondents shall examine their applications with reference to the records and the scheme that was in force and pass orders within a period of 3 months from the date of receipt of such representation." It is submitted that, as per the orders of the Hon'ble Tribunal the petitioner and others have submitted elaborate representations to the Respondent No.1 along with order passed by Hon'ble Tribunal and also attendance book etc. on 3.3.2010 the Respondent No.1 instead of appreciating the circumstances and without proper verification of records and without providing opportunity of being heard, Respondent has issued the impugned letter dt.8.6.2010 stating,

“ i) With reference to the representation, pursuant to the directions of the Hon'ble Tribunal dated 10.2.2010 in OA. No.100/10 it is informed that the same has been duly considered having regard to the policy and availability of records and it is regretted that it is not open to re-engage you as casual labours or grant of temporary status under the scheme dt.7.10.1989 which has exclusive application to casual labour who have engaged prior to 31.10.1985 up to 22.6.1988 and continued as such. The following have duly taken into consideration for the aforesaid decision. All the casual labors who were eligible as per letter dt.29.9.2000 of DOT were regularized as one time measure.

(ii) Records pertaining to Railway electrification Project are not available for due verification of information furnished by you as they were weeded out as per the retention schedule. The letter of appointment and payment thereof is requisite record to verify your engagement from 1.1.1994 to 30.9.1996 and the basis for the same while DOT, New Delhi letter No.270-6/84-STN dt.22.6.1988 imposed ban on engagement of casual labours including project circle.

(iii) The certification by the Divisional Engineer about such engagement is not acceptable in the absence of records as indicated above.

(iv) It is stated that you have been disengaged as casual labour and also thereafter continued with contractor and thus there is no employer-employee relationship at any point of time thereafter and as such there is no scope to re-engage you as casual labour and also in view of the complete ban as per DOT, New Delhi letter no.269-4/93 STN-II dt. 12.2.1999 and further affirmed vide letter no.269-4/93/STN II dt.15.6.1999 and the said policy is continuing.

v) The violation of provisions of Sec.25F of ID Act, 1947 having questioned in the appropriate forum at any time and as such disengagement has become final for all purposes.

vi) This disposes of your representation and it is hereby clarified that no further correspondence will be entertained on this subject.”

Petitioner submitted that the proceedings dated 8.6.2010 are ex.facie illegal, arbitrary, discriminatory and contrary to record and violative of principles of natural justice and violative of Art. 14 and 16 of Constitution of India. It is submitted when similarly situated persons were regularized the respondent ought to have extended the same benefit to the petitioner also. Further, the reasoning recorded by the respondent as mentioned in the clause-(i) of the impugned order stating that benefit of extension of temporary status under scheme dated 7.10.1989 is only for casual labours who have engaged prior to 31.10.1985 up to 22.6.1988 is not tenable and when the department had extended similar benefit to similarly situated persons and having extracted work from the petitioner during subsequent period, denial of said benefit amounts discrimination. The contention of the respondents as mentioned in clause-(ii), records pertaining to Railway Electrification Project are not available as have weeded out as per the retention schedule is also not tenable. It is submitted non-availability of the records in the department cannot be attributed to the petitioner and respondent ought to have accepted the records produced by the petitioner. It is submitted regarding para no (4) of the impugned order that when similarly situated persons were engaged and records shows the services rendered by the petitioner the contention that there is no relationship as employer and employee is also not tenable. Clause (5) of the order is not maintainable in respect of the claims of petitioner as he has been pursuing with the department to re-engage him in the respondent department in view of their past experience. The petitioner is having record and also the department had considered similarly situated persons as such the petitioner is entitled for relief. It is submitted that the impugned order is not only illegal but also contrary to earlier directions issued by the Hon'ble Central Administrative Tribunal as such as a last resort the petitioner is approaching this Hon'ble court. The petitioner, along with others approached Hon'ble Central Administrative Tribunal Hyderabad Bench at Hyderabad and filed OA. No. 1229/2010 and after hearing both the sides the Hon'ble Tribunal has directed the applicants therein to approach concerned Labour court under Industrial Dispute Act, 1947 and hence, this petition. It is submitted the petitioner and others have filed their concerned days book duly signed by the employer on every month ending, identity card, etc., the days book clearly postulates all the relevant information of the petitioner with regard to work i.e. MRPTS work, cable work, or alignment, store work, etc., and Petitioner was paid Rs.60/- per day. It is therefore prayed that this Hon'ble Tribunal may be pleased to i) Declare the impugned letter No.TA/STB/20-2/REP/06-10/53 dated 8.6.2010 issued by the respondent as illegal arbitrary, discriminatory and violative of principles of natural justice and consequently set aside the said letter.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

The Respondent submitted that the claim petition is misconceived and is barred by limitation. There is no engagement of casual labour in BSNL, after 1.10.2000 and the casual labour who have been engaged as such before the imposition of ban vide letter No.270/6/84-STN, New Delhi dated 30.3.1985 and letter No.270-6/84-STN dated 22.6.1988 for the project circles and the line dismantling in the Electrification project circles have been continued in BSNL as a matter of policy and the Petitioner having been engaged in the project after the imposition of ban vide letter dated 22.6.1988 is not covered by the policy thereof and it is not open for the Petitioner to assert for reengagement or regularization under the said policy. The claimant is confusing the Hon'ble Tribunal with regard to the letter No.TA/STB/20-2/REP/06-10/22 dated 27.4.2010 pursuant to the directions of the Hon'ble Central

Administrative Tribunal dated 10.2.2010, in OA No.100/2010 filed in continuation of WP No.12872/2008 in the High Court seeking for the identical relief and the communication dated 27.4.2010 based on the directions dt.10.2.2010 in O.A.No.100/2010 to comply with a judicial order notwithstanding the fact that the said O.A.No.100/2010 is misconceived and not maintainable having regard to the definition of employee in Rule 3(8) of BSNL & CDA Rules, 2006 implemented as such from 10.1.2006 thereby leaving no scope to exercise any jurisdiction by the Hon'ble Tribunal and on 28.2.2011 in O.A.No.1229/2010. It is not open for the claimant to assail the same before this Hon'ble Court in any manner for any purpose. The Railway Electrification project for line dismantling is distinct and different and the said project is out side jurisdiction of the respondent thereby leaving no scope to reengage any casual labour engaged by the said projects organization after the imposition of the ban and disengaging thereafter and entrustment of the work to a contractor thereby leaving no scope for reengagement and regularization as per the settled law. The Petitioner is relying on the documents which do not form part of the record of the respondent without any letters of engagement and payment particulars while the maintenance of the records in not the administrative concern of the answering respondent and no records as such are maintained after the expiry of three years relating to muster roll as per the retention schedule. It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. Petitioner filed chief examination affidavit and examined himself as WW1 reiterating the facts stated in claim petition stated that, he has worked as Mazdoor (casual labour) in Railway Electrification Project (REF) Secunderabad to Nagpur from 1.1.1994 to 30.9.1996 for 1004 days along with others. Thereafter, he, along with others continued on voucher payment basis for some time and thereafter on contract basis requesting for regularization and no action has been taken by the department, though they have worked for a considerable period.

5. Respondent did not adduce any evidence on their behalf. Both parties filed written arguments as well as submitted oral arguments.

6. Heard. Perused the pleadings of both the parties.

7. **The following points arise for consideration:-**

I. Whether the Petitioner is eligible to be regularized as temporary status with Respondent employment under the scheme Casual Labourers (Grant of Temporary Status and Regularization) Scheme 1989?

II. Whether order dated 8.6.2010 passed by Respondent on Petitioner's representation is just?

III. To what relief if any, the Petitioner is entitled?

Finding:

8. **Points No.I & II:** Before proceeding to determination on points, it would be relevant to narrate the facts in the back drop of the matter. As pleaded by Petitioner workman Sri V. Venkateswar Rao, he has worked as mazdoor (casual labour) in Railway Electrification Project, Secunderabad to Nagpur from 1.1.1994 to 30.9.1996 for 1004 days along with others. The Petitioner along with others continued on voucher payment basis for some time and thereafter on contract basis. He along with others have been requesting for regularization and to provide the regular work. Still no action has been taken by the Department, though they have worked for a considerable period. It is also pleaded that Petitioner came to know that by proceedings dated 21.11.2000 similarly situated 79 persons have been regularized by giving them temporary status by the Respondents. Since no action was taken by the Respondents he along with others approached Hon'ble Central Administrative Tribunal, Hyderabad Bench at Hyderabad by filing OA No.100/10 and 101/10 and the Hon'ble Tribunal after hearing both the parties disposed of the OAs, on 10.2.2010 with specific direction which reads as follows: "since the applicants in the OA also have similar claims as the applicants in the WP No.12872/08, I consider it appropriate to dispose of this OA by giving a direction to the applicants to file individual representations to the respondents giving full details namely, their addresses, places at which they were engaged, the period for which they were engaged etc., within a period of 4 weeks and on receipt of such representations, the respondents shall examine their applications with reference to the records and the scheme that was in force and pass orders within a period of 3 months from the date of receipt of such representation." The Petitioner in compliance of the above order moved representation dated 3.3.2010 to the Respondent authority and Respondent rejected the representation by passing impugned order dated 8.6.2010. Against this impugned order present industrial dispute petition has been filed by the workman before the Tribunal. It is also submitted that the Petitioner along with others have challenged impugned order dated 8.6.2010 rejecting the representation of Petitioner and filed OA No.1229/2010 and after hearing both the sides Hon'ble Tribunal has directed the applicant to approach the labour court under I.D. Act, 1947. The copy of the order dated 28.2.2011 passed in OA No.1229/2010, **G. Pentaiah and others Vs. Union of India** has been filed wherein Hon'ble Tribunal has observed as below:

"8. Admittedly, the applicants were engaged between 1.1.1994 and 30.9.1996 and they do not come under the scope of the scheme. However, a direction was given by this Tribunal earlier to examine their cases since the applicants claimed that some juniors who were appointed subsequently had been regularized. I now find that the Respondents have rejected the claim on the ground that relevant records have been weeded

out. the matter raised disputed questions of fact viz., whether the applicants were employed as casual labourers for more than 1000 days and whether they are eligible for temporary status, etc. In the absence of records, it is not possible for this Tribunal to adjudicate this matter.

9. *I, therefore, dispose of this application with a direction to the applicants to approach the labour authorities under the Industrial Disputes Act, 1947, if they are so advised, with all the relevant material so that a decision on their eligibility for temporary status or otherwise can be taken by the Respondent authorities. The Learned Counsel for the applicants has no objection to such a direction being given."*

Therefore, in view of the above direction of Hon'ble Central Administrative Tribunal, we proceed to decide to determine the question whether the applicant was engaged as casual mazdoor for more than 1000 days and they are eligible for temporary status.

9. In this regard, the Petitioner has pleaded that he has got engaged as mazdoor(casual labour) in Railway Electrification Project, Secunderabad to Nagpur from 1.1.1994 to 30.9.1996 for 1004 days along with others. It is also submitted that he along with others continued as such on voucher payment basis and later on contract basis.

10. On the other hand the Respondent has filed counter stating therein that there is no engagement of casual labour in BSNL after 10.10.2000 and the casual labour who have been engaged as such before the imposition of ban vide letter No.270/6/84-STN, New Delhi dated 30.3.1985 and letter No.270-6/84-STN dated 22.6.1988 for the project circles and the line dismantling in the Electrification project circles have been continued in BSNL as a matter of policy and the Petitioner having been engaged in Railway Electrification Project after the imposition of ban in project circles vide letter dated 22.6.1988 is not covered by the policy thereof and it is not open for the Petitioner to assert for reengagement or regularization under the said policy. It is submitted that the Petitioner is not covered under the definition of employee with Rule 3 sub clause 8 of BSNL & CDA Rules, 2006. Therefore, it is not open for the claimant to assail the same in any manner for any purpose. It is also submitted that Railway Electrification Project for line dismantling is distinct and different and the said projects is out side jurisdiction of the answering Respondent thereby leaving no scope to reengage any casual labour engaged by the said projects organization after the imposition of the ban and disengaging thereafter and entrustment of the work to a contractor thereby leaving no scope for reengagement and regularization as per the settled law. It is clear from pleadings of the parties that the Petitioner had worked as a mazdoor in Railway Electrification Project of the Respondent on contract basis. The Petitioner has submitted the documents in support of his allegation which are: Ex.W1 is photocopy of order dated 8.6.2010 which the Respondent authority has rejected the representation of the Petitioner by assigning reasons therein. Ex.W2 is a copy of representation dated 3.3.2010. The last para of the representation reveals that Petitioner has prayed for relief from Respondent to provide him employment, whereas in petition he has sought relief of regularization in the Respondent employment. Document Ex.W3 and W4 are photocopies of the orders of Hon'ble Central Administrative Tribunal passed in OA 1229/2010 and 100/2010. Other document Ex.W5 is photocopy of order passed in OA No.101/2010 dated 10.2.2010. The documents Ex.W6 to W9 are photocopies of the proceedings which were supplied by the Respondent to the Petitioner which contains list of casual labour. Ex.W10 is photocopy of letter regarding temporary status and Ex.W11 is the attendance sheets of the workman Petitioner which has been signed by Divisional Engineer, Telecom, Secunderabad which reveals that the Petitioner has worked as mazdoor from 1.1.1994 to 30.9.1996 in Railway Electrification Project.

11. **It would be relevant to reproduce the provision of Sec.2(oo)(bb) of I.D. Act, 1947 which provide that,**

" (oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include:-

(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; "

12. **The Hon'ble Apex Court in the case of S.M. Nilajkar and ors. Vs. Telecom, District Manager has held:** *" the termination of the service of workman engaged in a scheme or project amounts to retrenchment within the meaning of sub-clause (bb) subject to the following provision being satisfied:*

- i) That the workman was employed in a project or scheme of temporary duration;*
- ii) The employment was on contract and not as a daily wager simplicitor, which provided inter alia that the employment shall come to an end on the expiry of the scheme or project; and*
- iii) The employment came to an end simultaneously with the termination of the scheme or project and consistently with the terms of the contract.*
- iv) The workman ought to have been apprised or made aware of the above said terms by the employer at the commencement of employment.*

13. Since the Petitioner has alleged that he has worked as mazdoor from 1.1.1994 to 30.9.1996 in the Railway Electrification Project as contract labour. It goes to show that Petitioner has worked in the Respondent employment on a project which is open for a limited time and after completion of the project the Petitioner cannot claim any employment or regularization in the service of the Respondent. As far as the contention of the Petitioner is concerned that he should be regularized as other casual workers regularized under the scheme, it is settled law that any contract workman has no right to seek regularization of employment from employer, since it is a matter of discretion of the employer. Even otherwise, if a fresh contract contemplated to secure employee appointment with higher qualification or seek a fresh job on contractual employment having more skills, the employer will always have an authority to decide what is best for improving its functioning and which can be depend on work requirements.

14. Petitioner contended that Respondent has mentioned that in the impugned order the record pertaining to Railway Electrification Project are not available for due verification of the information furnished by the Petitioner. As they have weeded out as per retention schedule. The letter of appointment and payment thereof is requisite record to verify the engagement from 1.1.1994 to 30.9.1996. It is the duty of the authority to protect official files and record, it would be worthy to mention here that Petitioner had worked as Mazdoor in Respondent project for the period 1994-1996 as contract labour and he raised present industrial dispute by filing the petition u/s 2A(2) of the I.D. Act, 1947 in July, 2012. Long span of time more than 15 years have elapsed. Respondent in his counter has stated that no record as such are maintained after the expiry of three years relating to the muster roll as per the retention schedule. Since there was gross latches of inordinate delay on the part of Petitioner in raising present industrial dispute. Respondent is not supposed to maintain record of contractual labour beyond retention schedule. Therefore, in the case of non-production of the record by the Respondent, no adverse inference can be drawn against him in this case.

15. Respondent submitted that there is no engagement of casual labour in BSNL after 1.10.2000 and the casual labour who have been engaged before the imposition of the ban vide letter No.270/6/84-STN dated 30.3.1985 and letter No.270-6/84-STN dated 22.6.1988 for the project circles and the line dismantling in the Electrification project circles have been continued in BSNL as a matter of policy and the Petitioner having been engaged in Railway Electrification Project after the imposition of ban in project circles vide letter dated 22.6.1988 is not covered by the policy thereof and it is not open for the Petitioner to assert for reengagement or for regularization under the said policy. The Respondent has submitted the copy of letter No.270/6/84-STN dated 30.3.1985 wherein it is mentioned that the Telecom Department has directed to stop the recruitment or employment of casual labour of any kind, any type of work. Further, copy of letter No.270-6/84-STN dated 22.6.1988 which is regarding casual labour recruitment wherein it is mentioned (para 2) that, there shall be no recruitment of casual labour even for specific period and it was directed to Respondent Department to engage from neighbouring divisions, employed for the project or electrification work. Further, the copy of the letter of DG Telecom, New Delhi dated 7.11.1989 has been filed wherein it is mentioned that the casual labourers could be engaged after 30.3.1985 in projects and Electrification Circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. It is also mentioned that as per the direction in letter dated 22.6.1988 fresh recruitment of casual labourers even for specific works for specific periods in Projects and Electrification Circles also should not be resorted to. Therefore, in view of the ban on engagement of casual labourers the claim of the Petitioner is not maintainable. Since the Petitioner was engaged through contractor in the Railway Electrification Project which was meant for a specific period and after completion of the project work his employment is terminated and he is not eligible to claim for regularization in view of above letters and his status as contract labour.

16. Now the question arises whether there existed employee and employer relationship between the claimant and Respondent. Petitioner has admitted the fact that he was doing the work as a contract labourer in the Respondent Department. Further, to prove the employment there has to be a strict evidence to show some nexus between the claimant and the Respondent. This can be any kind such as appointment letter, monthly payment slip, deduction of Provident Fund, payment of any dues, which can show that he was in the employment of the Respondent. **In the case of Automobile Association of Upper India vs. Presiding Officer Labour Court-II, 2006 LLR page 851 wherein the Hon'ble Delhi High Court held, “Engagement and appointment in service can be established directly by the existence and production of appointment letter, a written agreement or by circumstantial evidence of incidental and ancillary records which would be in the nature of attendance register, salary registers, leave records, deposit of Provident Fund contribution and employees state insurance contribution etc.. The same can be produced and proved by the workers or he can call upon and caused the same to be produced and proved by calling for witnesses who are required to produce and prove these records.”**

17. But in the present case the claimant Petitioner has not produced any single piece of evidence showing that he was issued appointment letter by the Respondent. In fact, he has not disclosed date of actual joining of the employment as casual labour of the Respondent. Therefore, the contention of the Petitioner that he was casual labourer is not found to be proved by his evidence. Hence, he was not covered under Regularization Scheme rather he was contract labour as he has admitted in petition.

Thus, Points No.I & II are answered accordingly.

18. **Point No.III:** In view of the above discussion, it is clear that the Petitioner was not a casual labourer, rather had worked as contract labour for the period from 1994 to 1996. Therefore, Petitioner is not eligible to be regularized as a casual labour in the Respondent employment. The impugned order dated 8.6.2010 passed by Respondent needs no interference and petition is liable to be dismissed. In view of the finding given in Points No. I & II, the Petitioner is not entitled to any relief as prayed for regularization or reengagement. However, the Respondent has submitted that this Tribunal has disposed of LC No.8/2012 vide its order dated 29.2.2020 and granted relief of compensation to the Petitioner. In view of the foregone discussion, it is clear that the Petitioner was engaged as a casual labour for the period from 1994 to 1996 and number of days he worked has been verified by the Divisional Engineer as the Petitioner has filed the documentary evidence in support of his claim.

19. **In this regard Hon'ble Apex Court in the case of Hari Nandan Prasad Vs Employer I/R to management of FCI in Civil Appeal No.2417-2418 of 2014 dated 17.02.2014 held and laid down that :-**

"in the case of BSNL VS. Bhurumal 2013 (15) SCALE 131 which has taken note of the earlier case law relevant to the issue. Following passage from the said judgment would reflect the earlier decisions of this Court on the question of reinstatement: "The learned counsel for the appellant referred to two judgments wherein this Court granted compensation instead of reinstatement. In the case of BSNL Vs. Man Singh (2012) 1 SCC 558, this Court has held that when the termination is set aside because of violation of Section 25-F of the Industrial Disputes Act, it is not necessary that relief of reinstatement be also given as a matter of right.

However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice."

Therefore, in view of the above, Petitioner is liable for getting the compensation of Rs.50,000/.

Thus, Point No.III is answered accordingly.

ORDER

In view of the findings given above, it is hereby ordered: The petition of the Petitioner is allowed in part. The Respondents are directed to pay a sum of Rs.50000/- (Fifty thousand rupees) to the Petitioner towards compensation within four months from the receipt of this order, failing which the Petitioner is at liberty to take appropriate steps according to Law.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26th day of April, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

Witnesses examined for the
Respondent

WW1: Sri Vanigalla Venkateswar Rao MW1: Nil

Documents marked for the Petitioner

Ex.W1: Photostat copy of the Order dt 8.6.2010

Ex.W2: Photostat copy of the Representation of WW1 dt.3.3.2010

Ex.W3: Photostat copy of order passed in OA. No. 1229/2011

Ex.W4: Photostat copy of order passed in OA. No. 100/2010

Ex.W5: Photostat copy of order passed in CA. No. 101/2010

Ex.W6: Photostat copy of proceeding of respondent dt 9-5-2007

Ex.W7: Photostat copy of proceeding of Director, BSNL Railway Electrification Project Secunderabad dt. 12-9-2002

Ex.W8: Photostat copy of list of candidates issued by Div. Engineer, Secunderabad dt. 11-9-2002

Ex.W9: Photostat copy of proceeding Dt. 13-11-2007 providing information under RTI Act

Ex.W10: Photostat copy of letter dt.21-11-2000 with regard to temporary status

Ex.W11: Photostat copy of Days Book signed by authority

Ex.W12: Photostat copy of Identity card of petitioner

Ex.W13: Photostat copy of certificate dated 9.6.2014

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मई, 2024

का.आ. 853.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्शुरेन्स कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्रीमती अमरजीत कौर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़, पंचाट (रिफरेन्स न.-66/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आई.आर. (एम)-53]

दिलीप कुमार, अवसर सचिव

New Delhi, the 7th May, 2024

S.O. 853.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 66/2018**) of the Central Government Industrial Tribunal cum Labour Court-1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Life Insurance Corporation of India and Smt. Amarjit Kaur which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-16025/04/2024-IR (M)-53]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.66/2018

Registered On:-03.08.2018

Smt. Amarjit Kaur W/o Sh. Krishan Singh

VPO Dakha Patti Bura, Tehsil & Distt.Ludhiana

.....Workman

VERSUS

1. The Regional Manager, National Insurance Co. Ltd. Regional Office, Grand Walk Malls, 4th floor, Ferozepur Road, Ludhiana.
2. National Insurance Co. Ltd. Regional Office, 3 Middleton Street, Kolkata-700071 (West Bengal) Through its Chairman.
3. The Manager National Insurance Co. Ltd. Mullanpur Dakha, Distt. Ludhiana.

.....Respondents

AWARD**Passed On:-09.04.2024**

1. The workman Smt. Amarjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing evidence by affidavit by workman but none is responding on its behalf. Several opportunities have already been given to the workman for filing evidence by affidavit by Workman but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since 26.03.2020 and nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'.

Accordingly, no claim award is passed in the present case for non prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 7 मई, 2024

का.आ. 854.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स दिलीप बिल्डकॉन लिमिटेड; मेसर्स अमा कंस्ट्रक्शन के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, संविदा श्रमिक संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली, पंचाट (रिफरेन्स न.- 274/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-26011/05/2022-आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 854.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 274/2022**) of the Central Government Industrial Tribunal cum Labour Court-1, **New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Dilip Buildcon Ltd; M/s Amaa Construction** and **General Secretary, Samvida Shramik Sangh** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-26011/05/2022-IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DELHI - 1, NEW DELHI.

ID No. 274/2022

General Secretary,
Samvida Shramik Sangh,
81, New Park Road, Ganshi Gram,
Dehradun (UK) - 248001

Claimant...

VERSUS

1. The Project Manager,
M/s Dilip Buildcon Ltd. (DBL).
RVNL Package-9, Office- Bhatt Nagar Gouchar,
Chamoli Garhwal (UK)- 246429
2. The Project Manager,
M/s Amaa Construction, RVNL Package-9,
Sivai Side, Chamoli Garhwal, UK-246429

Management...

None for the claimant

None for the management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-26011/05/2022-IR(M) dated 30.09.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the action of M/s Dilip Buildcon Ltd. (DBL), RVNL Package-9, Chamoli, Garhwal, a contractor of Railway Vikas Nigam Limited (RVNL), by not agreeing for joint discussion/conciliation proceedings in respect of ID NO. 300013946 dated 21.06.2022 with the union Samvida Shramik Sangh, Dehradun and not considering the demand of charter submitted by the said union, is proper, legal and justified? If not, what relief the trade union is entitled to and to what extent?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

Date: 04.04.2024

नई दिल्ली, 7 मई, 2024

का.आ. 855.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री अनूप कुमार दत्ता, प्रेजिडेंट, नेशनल प्रोग्रेसिव फोरम के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली, पंचाट (रिफरेन्स न.-103/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-17011/01/2022-आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 855.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 103/2022**) of the Central Government Industrial Tribunal cum Labour Court-1, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Life Insurance Corporation of India and Shri Anup Kumar Dutta, President, National Progressive Forum** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-17011/01/2022-IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**Before the Justice Vikas Kumar Srivastava (Retd.) Presiding Officer,
Government of India Ministry of Labour & Employment,
Central Government Industrial Tribunal
Cum – Labour Court-I, New Delhi**

ID No. 103/2022

Sh. Anup Kumar Dutta, President,
National Progressive Forum for LIC's Development Officers,
59, Mahendra Banerjee Road,
Kolkata (West Bengal)- 700060.

Workman...

VERSUS

The Regional Director,
M/s Life Insurance Corporation of India,
Northern Zonal Office, Jeevan Bharti,
12th Floor, Tower II, 124, Connaught Circus,
New Delhi-110001.

Management...

AWARD

In the present case, a reference was received from the appropriate Government vide letter No-L-17011/01/2022-IR(M) dated 15.03.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the demand of the National Progressive Forum for LIC’s Development Officers that the action of Management of LIC for terminating the Development Officers who were unable to achieve the sales target without providing them appropriate opportunity to be heard, be declared as illegal, is fair and just? If yes, what relief the terminated Development Officers are entitled to?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.) Presiding Officer

Date: 19.04.2024

नई दिल्ली, 7 मई, 2024

का.आ. 856.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स हिर्री माइंस के प्रबंधन के संबद्ध नियोजकों और श्री पृथ्वीपाल सिंह सहगल, महासचिव, खदान मजदूर संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-100/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-26011/6/2018-आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 856.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 100/2018**) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Hirri Mines and Shri Prithvi Pal Singh Saigal, General Secretary, Khadan Mazdoor Sangh which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-26011/6/2018-IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/100/2018****Present: P.K.Srivastava****H.J.S..(Retd)****Shri Prithvi Pal Singh Saigal, General Secretary,****Khadan Mazdoor Sangh, Branch – Hirri Khadan,****Address – F-04, Vaishali Nagar,****Near Rama Magneto Mall, Bilaspur, Chhattisgarh****Workman****Versus****The Dy. General Manager,****M/s Hirri Mines, At./Po- Hirri,****Bilaspur (Chhattisgarh)****Management****AWARD****(Passed on this 15Th day of March-2024.)**

As per letter dated 29/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-26011/6/2018-IR(M) dt. 29/11/2018. The dispute under reference related to :-

“Whether the action on the part of management of SAIL Hirri Mines at Post-Hirri, Bilaspur in depriving promotional opportunity and benefits in respect of the Union member Shri Mangesh Faye of Khadan Mazdoor Sangh (BMS) by reducing the number of post from 05 to 04 in the Line of Promotion (LOP) as espoused by Secretary of the above named Union tantamount to victimization and unfair labour practice under ID Act, 1947? If yes, what relief Shri Mangesh Faye, Sr. Technician is entitled to?”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer**DATE: 15/03/2024****नई दिल्ली, 7 मई, 2024**

का.आ. 857.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स अरुण उद्योग; फेरो अलॉयज कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और श्री सुरेश कुमार सारंगी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स न.-88/2001) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आई.आर. (एम)-49]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 857.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 88/2001**) of the Central Government Industrial Tribunal cum Labour Court, **Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Arun Udyoga; Ferro Alloys Corporation** and **Sri Suresh Kumar Sarangi** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR (M)-49]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR.

Present :

Sri Dinesh Kumar Singh,
Presiding Officer, CGIT-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 88/2001

Date of Passing Order – 28th March, 2024

Between :

1. The Managing Partner,
M/s. Arun Udyoga, Chhapolia,
P.O. Bhadrak, Dist. Bhadrak (Odisha).
2. Ferro Alloys Corporation, Laxmi Bhaban,
Kuanas, Bhadrak. ... 1st Party-Managements.
(And)

Sri Suresh Kumar Sarangi,
P.K.R.I.T. Colony, Qrs. No. EWS-218,
P.O. Sarvodaya Nagar, Puri
Dist. Puri – 752 002.

... 2nd Party-Workman.

Appearances:

None.	...	For the 1 st Party-Management No. 1
Sri P.K. Sahoo, Manager (Law)	...	For the 1 st Party-Management No. 1
Sri Susanta Kumar Das, Advocate.	...	For the 2 nd Party-Workman.

AWARD

The Award is directed against the reference made by the Government of India, Ministry of Labour in exercise of its authority conferred under Clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as “the Act”) in the event of an industrial dispute arising between the parties noted above for its adjudication vide Order No. L-29012/5/88-D.III(B), dated 14.02.1988 and the terms of reference is as follows:-

“Whether the action of the Management of M/s. Arun Udyog (raising Contractor of M/s. FACOR in refusing employment w.e.f. 10.09.1987 and non-payment of wages from June, 1987 till 9.9.1987 to Shri S.K. Sarangi, Supervisor is lawful and justified. If not, what relief the workman is entitled to?”

2. It is required to mention here that this Tribunal had passed an award on dated 04.09.2019 directing the management to make payment of the compensation of Rs. 10,00,000/- to the disputant-workman within two months of the publication of award failing which the disputant was entitled to receive 8% of interest per annum on the amount with effect from the date of the award.

3. After passing of the award the Management No. 1-M/s. Arun Udyog has preferred a writ petition before the Hon’ble High Court of Orissa vide W.P.(C) No. 1989/2020 and the Hon’ble High Court of Orissa has been pleased to pass an order which is as follows:-

“Finding on issue no. 3 and consequently the compensation, in impugned award, are set aside and quashed. The issues are restored to the CGIT for expeditious hearing of the parties and answer thereon”.

4. Now in view of the direction of the Hon’ble High Court of Orissa passed in W.P.(C) No. 1989/2020 the Issue No. III is restored for hearing in the original file.

5. The case of the 2nd party workman as per his statement of claim is as follows.

That, he was appointed as a Supervisor by M/s. Arun Udyog the Management No. 1 with effect from 23.01.1981 with scale of pay of Rs. 260-45-50-390-442-550 per month as M/s. Arun Udyog-Management No. 1 was the contractor of M/s. FACOR –Management No. 2. In the meantime M/s. Arun Udyog the Management No. 1 issued a letter of appointment on 20.06.1986 asking him to work as In-charge of Kathapal Chromite mines with consolidated salary of Rs. 500/- and consequently he joined there as site in-charge with effect from 23.6.1986. He was discharging his duties with all sincerity and honesty from the date of his initial appointment in the establishment of M/s. Arun Udyog the Management No. 1 but on 24.11.1986 he was transferred and posted as In-charge of Ostopala Chromite Mines at Ostopala. He availed leave from 20.06.1987 to 30.06.1987 for his marriage and after resuming his duty on 01.07.1987 he was threatened and asked to join at M/s. Jugal Transport Company situated at Boula Chromite Mines, but he claimed his provident fund contribution, enhancement salary and regularization of service. Subsequently M/s. Arun Udyog, Management No. 1 did not allow him to discharge his duty with effect from 10.08.1987. The Management No. 1 had not given any notice before refusing his employment, so it amounts retrenchment and termination of service without any compensation under the provisions as enumerated under Section 25-F and 25-N of the I.D. Act. He had worked continuously and uninterruptedly for more than 240 days in a calendar year from the date of his initial appointment with effect from 23.01.1981.

6. On the other hand the case of M/s. Arun Udyog-Management No. 1 is as follows:-

That, the concerned workman was appointed with effect from 01.07.1986 and he was posted at Kathapal Chromite Mines but after completion of work on dated 30.06.1987 he was transferred to Boula Chromite Mines vide office order dated 27.05.1987 and was directed to report by 01.06.1987 but the concerned workman remained absent unauthorizedly and he did not report on his duty on 01.06.1987 at Boula Chromite Mines, so he had voluntarily abandoned his job and there is no refusal of employment by the Management No. 1.

7. The case of the 1st Party-Management No. 2 FACOR is as follows

That, the appointment of the concerned workman was not made directly or indirectly by it and there was no relationship of “employer and employee” between them. Moreover, various contractors were engaged for the purpose of mining and the Management No. 1 was one of the contractors during the relevant period.

Further, the 2nd party-workman was neither appointed nor terminated, so no relief is maintainable against it. All the dues of the contractor were cleared and no allegation was ever made for non-payment of wages to the contract labourers.

8. In course of proceeding of the case the 2nd party-workman has examined himself as W.W.-1 and proved the following documents which are marked as :-

Ext.-1 photo-copy of the letter dated 01.08.1983

Ext.-2 photo-copy of the experience certificate dated 31.12.1984.

Ext.-3 photo-copy of the letter of appointment dated 20.06.1986.

Ext.-4 photo-copy of office order dated 24.11.1986.

9. The 1st Party-Management No. 1. M/s. Arun Udyog has examined one witness namely Sri Dharmaraj Mohapatra as M.W.-1 and the 1st Party-Management No. 2 M/s. FACOR Limited has also examined only one witness namely Sri Pradyumna Kishore Sahoo as M.W.- 2. The 1st Party-Management No. 1 M/s. Arun Udyog has exhibited the following documents which are marked as :-

Ext.-A photo-copy of the notice issued by the A.L.C.(C), Bhubaneswar to the disputant workman.

Ext.-B photo-copy of the complaint filed by the 2nd party-workman before the A.L.C.(C), Bhubaneswar.

Ext.-C photo-copy of the letter of the workman addressed to the A.L.C.(C), Bhubaneswar.

Ext.-D photo-copy of the transfer order of the 2nd party-workman.

Ext.-E photo-copy of the certification of Registration issued by the Government of India in Form-II, under the C.L (R.A.) Act, 1970.

Ext.-F photo-copy of the process adopted by the Management No. 2 prior to joining as an employee.

FINDINGS

10. The Hon'ble High Court of Orissa has been pleased to set aside and quashed the Issue No. III and has been pleased to direct answer therein so the Tribunal has confined its finding on Issue No. III.

11. It is the pleadings of the 2nd party-workman that he was in employment under M/s. Arun Udyog, Management No. 1 since 23.01.1981 and subsequently he was appointed as In-charge of Kathapala Chromite Mines. It is the further pleadings of the 2nd party-workman that he was again transferred to Ostapala Mines vide order dated 24.11.1986 but he availed leave from 20.06.1987 to 30.06.1987 for his marriage and after leave he resumed duty on 01.07.1987. It is the further pleadings of the 2nd party-workman that he was forced to join at M/s. Jugal Transport Company at Boula and on his claims of P.F. contribution, enhancement of salary and regularization he was not allowed to discharge his duties which amounts to termination of his services.

12. On the other-hand it is the pleadings of the 1st Party-Management No. 1 that the 2nd party- workman had never been appointed in the year 1981 and after appointment with effect from 01.07.1986 he was posted at Kathapala Chromite mines. It is the further pleadings of the Management that the 2nd party-workman was transferred to Boula Chromite Mines and he was directed to join on 01.06.1987 but he remained absent unauthorizedly which amounts to self abandonment of job.

The pleadings of the 1st Party-Management No. 2 is that the 2nd party-workman was neither appointed nor terminated by it so there is no claim of relief against it

13. Now in the light of the pleadings of both the parties the Tribunal will examine the oral and documentary evidence of both the 1st Parties.

14. The workman witness No. 1 Sri Suresh Kumar Sarangi has categorically stated in his evidence that he was appointed as Supervisor by M/s. Arun Udyog on 23.1.1981 with pay scale of Rs. 260-45-50-442-550 per month and while working he was appointed by the Management of M/s. Arun Udyog as in-charge of Kathapal Chromite Mines vide Office order dated 20.06.1986 with consolidated pay of Rs. 500/- per month. He has further stated that he was transferred to Ostapala Mines by the Management on dated 24.11.1986 and while posted there he availed leave from 20.06.1987 to 30.06.1987 and after resuming his duty on 1.07.1987 he was asked to join at M/s. Jugal Transport Company at Boula. He has also deposed that on 10.09.1987 he was refused employment by the Management on his demand of regularization of service without any reason and rhymes. He had also stated that he had performed 240 days continuous service with the Management of M/s. Arun Udyog and his service was terminated/retrrenched without following the provisions of Section 25-F and Section 25-N of the Industrial Disputes Act, 1947.

In the cross examination by the Management No. 1 he has deposed that he was on leave for the period from 20.06.1987 to 30.06.1987. He has denied the suggestion that he was transferred from Kathapala Chromite Mines to Boula Mines in the year 1987 as the project work of the Kathapala Mines, of contractor, M/s. Arun Udyog was closed. He has also stated that he was doing supervisory work of road works done in the mining area by the labourers. He also stated that he was disbursing the wages and wage slip of the engaged labourers. He has denied the suggestion that he was never transferred to Ostapala Mines in the year 1986. He has denied the suggestion that he had abandoned the job voluntarily. He has also deposed that after his transfer to Boula Mines he had raised objection claiming regularization of service. He has also stated that he had worked for 240 days in the calendar year preceding to the alleged removal of his employment.

The M.W.-1 Sri Dharamraj Mohapatra of M/s. Arun Udyog has deposed in examination in chief that the 2nd Party-workman was engaged vide order dated 20.06.1986 as a Supervisor with effect from 01.07.1986 at Kathapala Chromite Mines of FACOR and he was allotted with the work to supervise and guide the entire job of the Management including site work and supervise the work of physical labour done by the labourers and keeping of attendance of the daily labourers and also keeping the daily note of accounts and expenditures of the work done at the

site. He has also deposed that after completion of the work at Kathapala Chromite Mines, the job of the 2nd party-workman was not continued under the mines after 01.06.1987. He has also stated that vide letter dated 20.06.1986 fresh engagement was made at Kathapala Chromite Mines of FACOR and after completion of the allotted job by 30.06.1987 the 2nd Party workman was transferred to Boula Chromite Mines vide letter dated 27.05.1987 but the concerned workman instead of joining at Boula Chromite Mines left his duty with effect from 28.05.1987 without any communication. He has further submitted that the concerned workman has not worked for 240 days continuously under the Management and no document have been produced as such by the 2nd party-workman.

In the cross examination he has stated that the records regarding contract employees and contract jobs undertaken by the Management no. 1 were destroyed by the super cyclone in the year 1999 and I have not verified any record regarding to the case which was prepared before 1985. He has denied the suggestion that the 2nd party-workman was employed with effect from 01.08.1983. He has also stated that the Management have not issued any notice to the 2nd party-workman for filing his show cause for unauthorized absence with effect from 01.06.1987.

16. The M.W.-2 Sri P.K. Sahu has deposed that the 2nd party-workman was an employee of the 1st Party-Management No. 1 of M/s. FACOR Limited and the Management No. 2 has been impleaded as a party in this case later on in the capacity of Principal Employer. He has also stated that the 2nd party-workman was neither appointed nor terminated by the 1st Party-Management No. 2. In the cross examination there is nothing on this point which requires discussion here.

17. Now coming to the documentary evidence it appears that Ext.-1 is a letter dated 01.08.1983 which is a work allotment order addressed to Sri S.K. Sarangi the 2nd Party workman, Ext.-2 is a certificate dated 21.12.1984 issued by Sri Kishan Lal Agarwal, M.D., M/s. Arun Udyog mentioning therein that Sri S.K. Sarnagi had worked from 23.01.1981 to till date as a Supervisor, Ext.-3 is the letter dated 20.06.1986 by which he was appointed as In-charge of Kathapala Chromite Mines with consolidated salary of Rs. 500/-, Ext.-4 is an order by which the 2nd party-workman was posted as in-charge of Ostapala Mines.

18. Further the documents of the Management shows that Ex.-A is a notice issued by the A.L.C. (C), Bhubaneswar, the Ext.-B is a complaint filed by the 2nd party-workman, the Ext.-C is the representation addressed to A.L.C. by the 2nd Party-workman regarding non-payment of wages with calculation sheet, the Ext.-D is a photocopy of transfer order dated 27.05.1983 by which the 2nd Party-workman S.K. Sarnagi was transferred to the Boula Mines, Ext.-E is the copy of the certificate of registration and Ext.-F is the photocopy of the procedures of appointment under the Management No. 2.

19. At the outset of discussion it is required to mention here that it is an admitted fact that the 2nd party-workman was an employee of 1st Party-Management No. 1, M/s. Arun Udyog.

Now after going through the oral and documentary evidence of both the parties it is quite apparent that the concerned workman had been allotted to work by the 1st Party-Management M/s. Arun Udyog vide letter dated 01.08.1983 as per Ext.-1 and he had discharged his duties till 31.12.1984 as per Ext.-2. Moreover, both the letters Exg.-1 and 2 are on the letter head of M/s. Arun Udyog and there is nothing in record to disbelieve these documents. Further it is also clear that the 2nd party-workman was appointed as in-charge of Kathapala Chromite Mines vide letter dated 20.06.1986 as per Ext.-3 with a consolidated salary of Rs. 500/- per month from the date of assuming charge as if he was in continuous service and subsequently as per Ext.-4 he was transferred to Ostapala mines vide order dated 24.11.1986.

20. It is relevant to mention here that M/s. Arun Udyog, Management No. 1 has admitted that the workman was appointed as In-charge at Kathapala Chromite Mines vide letter dated 20.06.1986 and he was transferred to Boula Mines with a direction to join at Boula Mines on 01.06.1987. Ext.-D shows that the concerned workman was in the service of the Management No. 1 till 01.06.1987 the date of issuance of letter.

Now after analysing the Ext.-1, 2, 3, 4 and Ext.-D it is quite apparent that the 2nd party-workman was in service under the 1st Party-Management No. 1, M/s. Arun Udyog since August, 1983 to 01.06.1987.

21. In view of the above discussions and as per oral and documentary evidence it is quite apparent that the concerned workman had discharged more than 240 days of continuous service under the Management No. 1 M/s. Arun Udyog Limited with effect from August, 1983 to May, 1987.

22. It is the case of the Management that the 2nd party-workman was freshly appointed for the year vide letter dated 20.06.1986 and he was not in continuous service since 1983. In this regard the case of the 2nd party-workman is that he was in continuous service since 23.01.1983 and he was not allowed to discharge his duty with effect from 10.09.1987 resulting his termination from service.

23. At this stage it is relevant to mention here that after going through the Ext.-1, 2, 3 and 4 it appears that after engaging the services of the 2nd party-workman vide letter dated 01.08.1983 the 2nd party-workman continued his job till 31.12.1984 and thereafter he was again appointed as in-charge of the Kathapala Chromite mines from the date of his actual assuming charge meaning thereby that he was in continuous service since date of his first engagement on dated 01.08.1983. Further Ext.-4 shows that the 2nd party-workman was transferred from Kathapala Mines to Ostapala

Mines. Moreover, Ext.-D shows that on 27.05.1987 the 2nd party-workman was transferred from Kathapala Chromite mines to Boula Mines.

24. In view of the above discussions the Tribunal finds that the 2nd party-workman was in continuous service since August, 1983 and there is no gap or termination in between the service of the 2nd party-workman from August, 1983 to 01.06.1987.

25. It is the case of the concerned workman that on account of his marriage ceremony, he had proceeded on leave from 20.06.1987 to 30.06.1987 and he resumed duty on 01.07.1987 whereas it is the case of the Management No. 1 that the workman had himself left the job voluntarily.

26. At this stage it is relevant to mention here that the burden of proof that the workman had left the job lies on the Management to establish it. Moreover, no documents have been exhibited by the Management to establish the facts, but M.W.-1 in his evidence has deposed that the workman had not joined the new place of posting and he himself left the job. Further, in the cross examination he has deposed that no notice was issued for his unauthorized absence from his new posting nor any show-cause notice was issued to him in this regard. Moreover, there is no concrete and categorical evidence to show that the concerned workman had himself left the job.

27. On the other hand there is consistent evidence of the workman witness No. 1 that he has not allowed to discharge his work resulting thereby his termination and discharge from his service.

28. In view of the above discussion it is quite apparent that there is no categorical and cogent evidence that the concerned workman had left the job voluntarily but there is consistent evidence that the workman was removed from job and he has not allowed to discharge his duty resulting his termination/discharge.

29. After considering all the fact and circumstances of the case and after analysing all the evidences available on the record this tribunal is of the opinion that the concerned workman had discharged his work under the Management No. 1 M/s. Arun Udyog for more than 240 days in each calendar year since August, 1983 to May, 1987. Further the Tribunal also is of the opinion that the 2nd party-workman had not left the job voluntarily, but was not allowed to discharge his work which means he was discharged/terminated from service.

Hence, the issue no. III is answered in favour of the concerned workman.

30. It is relevant to mention here that the Hon'ble High Court of Orissa has been pleased to set aside the findings on Issue No. III and consequently the compensation in the impugned award so the Tribunal is required to give its findings on the compensation amount to be paid to the 2nd party-workmen.

31. At the outset on discussion it is proper to mention here that this case was referred to the Industrial Tribunal, Bhubaneswar on dated 14.02.1988 but it was subsequently transferred to this Tribunal on dated 30.01.2001. Further, the 2nd party-workman is suffering from the year 1987 after his employment was refused by the Management No. 1 without complying the provisions of Section 25-F of the I.D. Act. Moreover, in this case more than thirty-seven years have elapsed and the 2nd party-workman has not got any relief so the 2nd party workman is entitled for compensation in lieu of reinstatement with back wages.

32. Now the 2nd party-workman has been illegally refused employment by the management No. 1 after serving for more than six years. So considering the sufferings/harassment/agonny for more than thirty-seven years the Tribunal thinks it proper to provide adequate.

33. In view of the above discussion, the Tribunal is of the view that the Management N. 1. M/s. Arun Udyog is directed to make payment of compensation of Rs. 12,00,000/- to the 2nd party-workman within three months from the date of publication of the award and if the 1st Party-Management No. 1 fails to make payment the workman is entitled to get simple interest at the rate of 6% per annum with effect from the date of passing award.

34. This is the award of this Tribunal.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 7 मई, 2024

का.आ. 858.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-07/2010) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-17011/01/2009-आई.आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 858.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 07/2010**) of the Central Government Industrial Tribunal cum Labour Court, **Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India Ltd.** and **their Workman** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-17011/01/2009-IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present : Justice K. D. Bhutia, Presiding Officer.****REF. NO. 7 OF 2010****Parties :** Employers in relation to the management of**Life Corporation of India Ltd.****AND****It's Workman**

Appearance :

On behalf of the Management : Absent

On behalf of the Workman : Sri Saibal Mukherjee, Ld. Advocate

Dated: 8th day of April, 2024**AWARD**

By order No. L-17011/1/2009-IR(M) dated 09-06-2009, the Central Govt., Ministry of Labour in exercise of power conferred under section 10(1) (d) and (2A) of the Industrial Dispute Act referred the following issue to this Tribunal for adjudication :-

“Whether the action of the management of Life Insurance Corporation of India, in relating to its Eastern Zonal Office, Kolkata in imposing punishment of removal from Service w.e.f. 19-09-2005 on Sri Pallab Lodh, Ex-Sub-Staff, working in Zonal Office, Kolkata is legal and justified? To what relief he is entitled?”

The facts giving rise to such dispute in brief are that Sri Pallab Lodh was appointed as a Peon on 16-03-1993 and later his service was confirmed and made him permanent staff of LIC w.e.f. 16-03-1994. That Sri Pallab Lodh was a habitual absentee and used to remain on unauthorized leave, without prior sanction of leave or without any intimation to his immediate controlling officer.

That employees of Life Insurance Corporation. Ltd. of India, are governed by LIC of India (Staff) Regulations, 1960. Regulation 30 of LIC of India (Staff) Regulations, 1960 provides that no employee shall absent himself from his duty without having obtained the permission of the competent authority, nor shall he absent himself in case of sickness without submitting the medical certificate satisfactory to the competent authority. Regulation 21 of the said Staff Regulation provides that every employee of the Corporation shall at all times maintain absolute integrity and devotion to duty, shall confirm to and abide by the said regulations.

That during the period from 04-03-1999 to 18-01-2000 said Sri Pallab Lodh remained on unauthorized leave or absent for 154 days, without prior sanctioned and without informing the office. Consequently, he was charge sheeted for such unauthorized absence for 154 days on 08-02-2000. Against such charge domestic enquiry was initiated against him and he was found guilty of the charge. The Disciplinary Authority imposed penalty for such proved charge by withholding one increment for one year in terms of regulation 39 (1) (b) of the Regulations, 1960 on 28-11-2000.

Sri Lodh did not rectify himself and continued with his habit of absenteeism and again during the period from 08-08-2000 to 29-11-2000 he absented himself from duty for 81 days and that too without any prior sanction or without prior intimation to the authority concerned. Once again he was charge sheeted for remaining on such unauthorized leave for 81 days on 16-12-2000. Departmental enquiry was initiated against him on such charge. He was found guilty by the Enquiry Officer. The Disciplinary Authority concurred with the findings of the Enquiry Officer and imposed penalty by reducing basic pay of the by two stages, in view of provision of Regulation 39(1) (d) of Regulations 1960 on 03-09-2001.

Despite consecutive punishments, Sri Lodh did not rectify himself rather he continued with his habit of absenteeism and remain absent for 25 days during the period from 14-05-2001 to 07-06-2001 and for 5 days during the period from 14-06-2001 to 18-06-2001 and thereafter he did not report for duty from 28-06-2001 till 14-09-2001. Accordingly, a fresh charge was framed against him for his absenteeism on 14-09-2001. Once again he was charge sheeted and not being satisfied with his explanation, the management initiated a departmental enquiry. In such enquiry he was found guilty and this time the disciplinary authority withheld three increments permanently in terms of regulation 39(1) (d) and 39(1) (b) of the Regulations, 1960.

Once again, he remained absent for 207 days during the period from 11-01-2004 to 19-10-2004. That he having failed to maintain absolute integrity and devotion to duty and failed to serve the Corporation honestly and faithfully and acted in a manner prejudicial to good conduct and detrimental to the interest of the Corporation, he was once again charge sheeted for violating the provisions of regulation 21 and 30(1) of the LIC (Staff) Regulations, 1960 and charge sheet was issued on 07-12-2004. He was served with the provisional list of documents and provisional list of witness along with the charge sheet.

The concerned workman submitted his reply to the said charge on 24th December, 2004/8th January, 2005 and where he has admitted the charges. Therefore, management decided to initiate a departmental enquiry against him. The Enquiry Officer in its report dated 11th April, 2005 found the concerned workman guilty of the charge. Copy of the enquiry report was sent to the concerned workman for his comments on findings of the Enquiry Officer, but he did not bother to submit his reply. Then, the Disciplinary Authority issued a show cause notice proposing the penalty of his removal from his service on 29-06-2005.

The concerned workman submitted reply to such show cause notice of proposed punishment from removal of service on 21-06-2005. The disciplinary authority in exercise of the power conferred on him under regulation 39 (1) (f) read with Schedule-1 of the LIC (Staff) Regulations, 1960 imposed the penalty of removal of him from the service w.e.f. 19-09-2005.

The concerned workman receiving the order of punishment imposed by the disciplinary authority preferred an appeal before the Appellate Authority. Appellate Authority dismissed the appeal and upheld the punishment vide order dated 29-12-2005.

Then, the concerned workman preferred a memorial as provided in Regulation 49 of Regulations, 1960 before the Chairman. The Chairman too rejected his memorial vide order dated 8th September, 2009.

Against the order of removal from service w.e.f. 19-09-2005, the concerned workman raised the present industrial dispute where he has alleged that he is a psychiatric and depression patient and because of his such illness he was unable to attend his duty regularly. However, he has alleged that the domestic enquiry which was initiated against him was in utter violation of the principle of natural justice where he was prevented from adducing evidence in his defence. He was not allowed to cross examine the witness produced from the side of the management. The management by adopting unfair labour practice has victimised him and illegally terminated his service. Therefore, he has prayed for setting aside the punishment of removal from service and prayed for his reinstatement with full back wages.

The workman has examined himself as W.W. No.1. From his side 25 documents have been produced and marked as Exhibit- W/1 to W/25 on admission by the management as reflected from order dated 14-11-2019. It also appears from the said order that the other four documents namely workman's letter dated 04-03-2000, medical certificate dated 30-07-2002, medical prescription dated 24-02-2005 and his another letter dated 20-12-2007 were not exhibited or admitted by the management, but the record shows the workman has failed to prove those four documents by examining the Doctor who issued those medical certificate and prescription and his own letters.

On the other hand the Management has examined Smt. Tuhina Bose, Assistant Secretary (P&IR) as M.W. No.1. The entire record of the departmental proceeding has been produced and which have been marked as Exhibit-M/A series i.e. M/A to M/A30.

However, after taking into consideration the evidence which have come on record and the submission made by the Ld. Counsels for both sides, this Tribunal by passing an order dated 18-07-2023 held domestic enquiry against the concerned workman to be legal and valid. But, in view of section 11A of the Industrial Disputes Act, 1947 the Tribunal decided to hear the parties on the issue of punishment of removal of the workman from service of a Peon.

It is true after the introduction of section 11-A in the Act, power has been conferred on the Industrial Tribunal or the Labour Court to substitute a lesser punishment in lieu of the order of discharge or dismissal passed by the management only when the Tribunal is satisfied that the punishment imposed by the management is highly disproportionate to the degree of guilt of the workman concerned and the Industrial Tribunal or the Labour Court has to give reason for its decision.

By passing a preliminary order dt.18-07-2023 by this Tribunal, the departmental enquiry held against the concerned workman a permanent employee of Life Insurance Corporation of India in the category of Peon or Group-

D is held to be valid. That as per Exhibit-A series, it was proved the workman was absent for 207 days in the year 11-01-2004 to 19-10-2004 and was charge sheeted on 07-12-2004. Further, it was proved the workman was charge sheeted earlier on three different occasions for his habit of absenteeism i.e. for remaining absent for 154 days in the year 1999 on 08-02-2000, for 81 days in the year 2000 on 16-12-2000 and for 48 days during the year 2001 on 14-09-2001. That he was found guilty of charges of absenteeism in all those three previous departmental enquiries. That in those previous three departmental enquiries, a lenient view was taken by the management of Life Insurance Corp. of India, first by withholding one increment for one year, in second time by reducing basic pay by two stages in time scale, thirdly permanently withholding three increments. So, it appears that despite of having suffered such punishment for habit of absenteeism and remaining on leave without sanction of the leave or without any intimation, the workman did not bother to rectify himself rather it appears he had totally succumbed to his habit of absenteeism and remained absent from duty for 207 days in the year 2004.

That remaining absent for 207 days in a year the management has charge sheeted him on 7th December, 2004 and the management not being satisfied with his reply to charge sheet held an enquiry on the charge.

Exhibit-M-A/27 bears the signature of the concerned workman. It further shows that he admitted the charge framed against him. The Enquiry Officer to render just and fair enquiry decided to continue with the enquiry proceeding.

Sri N.C. Das, management witness during his cross examination has stated that whenever the workman used to report for duty, he used to behave properly as a normal person and used to discharge his duty normally. Such statement suggests the workman was normal and not a psychiatric patient as alleged by himself and ground of absence.

The workman has filed a prescription and certificate issued by Dr. Soumitra Chatterjee, B.Sc, DHMS, FWT &PET dated 2005 and which relates to the period post charge sheet dated 07-12-2004. He has failed to examine such homeopathic doctor to prove the contents of those two exhibits. The qualification of the above named Dr. as reflected in the prescription itself prove that he was not a psychiatrist.

Exhibit- M series prove the concerned workman suffers from the habit of absenteeism. He was not bothered about the fact that due to his excessive absenteeism, the management may had to face administrative problem for not being able to utilized his service for the purpose of which he was recruited. It seems the workman had taken the management or Authority for granted for its lenient attitude towards him as he knew that management at the most would withheld his increment or reduce his pay scale as it was done in three previous occasions, but he would be enjoying full pay packet without doing any work or without attending office. Such attitude on the part of the workman proves that he had no regards to the service rules and regulations and also about the punishment for violation of service rules and regulations. In fact materials which have come on record it proves virtually he never used to attend his duty and crossed the limit of patience and tolerance of the management. It is proved he was absent for 207 days out of 365 days in the year 2004. The remaining 158 days of 2004 also it includes holidays e.g. Saturday, Sunday, Festival holidays and National Holidays. Further, nothing is there to prove substantial cause behind such excessive absenteeism. The plea of depression taken by him is not substantiated by cogent and reliable medical evidence.

Therefore, considering such conduct of the workman, this Tribunal holds the disciplinary authority has rightly removed him from the service.

That apart Exhibit-M/A series shows that the disciplinary authority had taken the decision to remove him from the service after considering his past conduct and result of past three departmental enquiries where he was found guilty of charges of absenteeism but was awarded lenient or lesser punishment of withholding of increments. Similarly, the Appellate Authority as well as the Chairman have rejected his appeal and memorial considering his past conduct and for his no care attitude towards the punishment imposed upon him in those past three departmental enquiries, where he was found guilty to the charge of absenteeism. Therefore, this Tribunal upheld the decision taken by the disciplinary authority in removing the working from the service of Peon from Life Insurance Corp. of India in the fourth and final departmental enquiry to be legal and proper.

Further, this Tribunal is of a view, if this workman who was found guilty for excessive absenteeism in four different domestic enquiries, is allowed to continue in service, it would set a bad precedent in the establishment and other co-workers may be encouraged in violating the service rules and regulations. The engagement of such type of an employee would be a loss to the establishment.

Therefore, this Tribunal holds the management of Life Insurance Corporation of India is justified in removing Sri Pallab Lodh from the service of Peon w.e.f. 19-09-2005 and is not entitled to get any relief.

Accordingly, Reference Case No. 07 of 2010 is disposed of in final form and award of dismissal of reference is hereby passed confirming the removal of Sri Pallab Lodh from the service of Peon of LIC w.e.f. 19-09-2005.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 7 मई, 2024

का.आ. 859.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईएसआईसी अस्पताल और ओडीसी (ईजेड) कोलकाता के प्रबंधन के संबद्ध नियोजकों और उनके कार्यकर्ता के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-57/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-15012/1/2014-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 859.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 57/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ESIC Hospital & ODC(EZ) Kolkata** and **Their Workman** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-15012/1/2014-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO. 57 OF 2014

Parties : Employers in relation to the management of

ESIC Hospital & ODC(EZ) Kolkata

AND

Their Workman

Appearance :

On behalf of ESIC Hospital, Joka : Mr. T.K. Chatterjee, Ld. Advocate.

On behalf of the Workmen : Mr. Suvadip Bhattacharjee, Ld. Advocate.

Dated: 22nd April, 2024

AWARD

By order No. L-15012/1/2014 –IR(M) dated 09-07-2014, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

“Whether the action of the management of ESIC Hospital & ODC (EZ) in denying the regularisation of service of Shri Shew Kumar Balmiki & 21 other workers (List enclosed) is legal and/or justified? If not, what relief the workmen are entitled to? “

That 22 workmen have raised the present dispute claiming their regularisation and absorption in the post of Sweeper/Safaiwala at ESIC Hospital, Joka.

It is their case that they have been working as Safaiwala and rendering their services to the ESIC Hospital and ODC (EZ), Joka for decades continuously and without any break through contractors. They have alleged the contractors have been changing from one after another but they are retained by the subsequent contractors engaged by the authorities of ESIC Hospital.

They have alleged the job rendered by them are essential and perennial in nature and which can be executed only by the permanent employees of the hospital. That they are given the facilities of PPF, Insurance and even Profession Tax is deducted from their wages. They are assigned to do the sweeping of the entire hospital premises including the staff quarters attached to the hospital, cleaning of the washrooms, removing waste from Operation Theatre and from the wards of the hospital, removing dead bodies and shifting them to the Morgue, cleaning of Ambulance and cleaning of drains. The hospital authority has indulged in unfair labour practice by getting perennial nature of job done through the contractor employees. Thus, they have prayed for their absorption.

Record shows, the authority of ESIC Hospital has failed to file Written Statement, List of Witness and List of Documents, but somehow the Ld. Counsel for ESIC Hospital has cross examined Sri Rajesh Balmiki, one of the workmen and sole witness adduced from the side of the workmen. He has also filed evidence in chief of Sri Samiran Das, Asst. Director and examined him as M.W. No.1. However, in the midst of examination of Mr. Das, it was detected that ESIC Hospital without filing any written statement has actively took part in the proceedings and managed to cross examine W.W. No.1 and has also produced Sri Samiran Das as its witness. It is very interesting to note Ld. Counsel for workmen did not raise any objection and brought to the notice of the Tribunal that without filing W.S. along with list of documents and witnesses, Mr. T.K. Chatterjee proceeded with the hearing. However, M.W. No.1 failed to appear to face cross examination and as such his part evidence not being supported by any pleading or documents has been expunged vide order dated 26-07-2023.

Mr. T.K. Chatterjee has also filed his written notes of argument.

Now, the question that needs determination is what would be consequence of non-filing of written statement by the employer?

Generally, if the employer fails to file written statement and fails to appear and proceed with the case then such employer would be proceeded ex parte. But in the present case it appears Ld. Counsel for ESIC Hospital though had failed to file written statement had cross examined the workmen's witness and that too without the permission of the Tribunal or keeping the Tribunal in dark about non-filing of written statement.

It is settled principle of law in civil suits that when the defendant has not filed a written statement, the defendant cannot be barred from participating in cross examination of the plaintiff. However, the cross examination is limited in scope and should focus on pointing out the falsity or weakness of the plaintiff's case. The defendant cannot use this opportunity to present his/her/their defense. The defendant without written statement cannot be permitted to cross examine the plaintiff's witness on question of fact which he himself has not pleaded nor can he be allowed to adduce evidence on question of fact which have not been pleaded by him by filing any written statement. He can be allowed to take part in the final argument.

It is settled principle of law an Industrial Tribunal is not bound by the procedure laid down in the Code of Civil Procedure, but shall be guided by the principle of natural justice and subject to the other provisions of the Act and in rules made by the Central Govt.

However, in view of provision of section 11 (3) of the I.D. Act, a Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, when trying a suit, in respect of the following matters, namely-

- (a) Enforcing the attendance of any person and examining him on oath;
- (b) Compelling the production of documents and materials objects;
- (c) Issuing commissions for the examinations of witnesses;
- (d) In respect of such other matters as may be prescribed and every inquiry or investigation by a Board, Court (Labour Court, Tribunal or National Tribunal) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

It is true that CPC in its entirety is not applicable to an Industrial Tribunal but while deciding an industrial dispute, the Tribunal can follow the principle of CPC for administration of justice. Thus, this Tribunal will consider the cross examination of workmen's witnesses by Ld. Counsel for ESIC only to the extent to show falsity and weakness in the workmen's case. The cross examination, if any, on the defence of ESIC will be discarded.

Be that as it may, the workmen to prove their case and claim have examined one of them Sri Rajesh Balmiki as W.W. No. 1 and through him exhibited their Identity Cards issued by contractor employer, EPF Slips, ESIC cards and certificate of appreciation for rendering service during COVID-19 pandemic by Medical Superintendent of ESIC Hospital and which have been marked as Exhibit-W-1 to W-25/15.

Ld. Counsels for the workmen along with his written notes of argument have referred to the following decisions in support of his contentions :-

1. Union of India –vs- Ibrahim Uddin & Anrs. (2012) 8 SCC 148.
2. Hussainbhai, Calicut –vs- The Alath Factory Thezhilali Union, Kozhikode & Ors., (1978) 4 SCC 257.

3. Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat –vs- Hind Mazdoor Sabha & Ors. (1995) 5 SCC 27.
4. Deba Kanta Das & Ors-vs – Oil & Natural Gas Corporation Ltd. & Ors. (2015) 4 Gauhati Law Reports 601.
5. Secretary, H.S.E.B. –vs- Suresh & Ors. (1999) 3 SCC 601.
6. Bharat Heavy Electricals Ltd. –vs- State of U.P. & Ors. (2003) 6 SCC 528.
7. The Management of Ashok Hotel –vs- Their Workman & Ors. 2013, SCC OnLine Del 692.

It is settled law court should not place reliance on decisions without discussing as to how fact situation of case before it fits in with fact situation of decision on which reliance is placed. Observations of courts are neither to be read as Euclid's theorems nor as provisions of statute and that too taken out of their context. They must be read in context in which they appear to have been stated. Disposal of case by blindly placing reliance on a decision is not proper because one additional or different fact may make a world of difference between conclusions in two cases.

Therefore, in view of the above settled principle, I am not inclined to take into consideration the above cited decision for determination of the present reference as facts and circumstances of those cited cases are entirely different from the facts and circumstances of the present case.

It is admitted fact the concerned workmen are the employees of contractor/ contractors engaged by ESIC to whom the job of cleaning of the hospital and staff quarter has been sourced out. So, they are neither engaged as part time sweeper nor casual or temporary workmen by ESIC directly. So, question arises whether contractors' employees are entitled to seek regularisation or absorption against sourced out cleaning job of the hospital and when there do not exist any sanctioned post.

Sri Rajesh Balmiki, one of the workmen, in his evidence has admitted that they are the employees of the contractor. That contractors might have been changed but all of them continue to work for the hospital without any interruption or break directly under the supervision and control of the Superintendent and Sister-in-Charge of ESIC Hospital. Unfortunately, the claim application and his evidence on affidavit are totally silent that the contractor/contractors engaged by the ESIC Hospital are sham contractor/ contractors. Further, workmen nowhere in their claim statement have specifically pleaded that the contract executed between the authority of ESIC Hospital and their contractor employer is a sham and camouflage contract. Therefore, a presumption can be drawn the contract executed between authority of ESIC Hospital and M/s. Commando Division and earlier with M/s. General Security & Information Service to be a legal and valid contract.

That apart, W. W. No. 1 has failed to specify the manner how the Superintendent of the Hospital and Sister-in-charge supervise their work or that how they work under the direct control and supervision of the authority of the hospital. It is true in a hospital maintenance of hygiene and cleanliness is utmost importance and if there is any laches or negligence on the part of the contractor employees in discharging their duty of Safaiwala and if any complaint regarding cleanliness and hygiene is brought to the notice of the authority of the hospital by the patient or patient party then obviously the Superintendent and Sister-in-Charge has to give direction to Safai Karmacharies of contractors present in the hospital to keep the hospital clean and maintain hygiene of the same. One cannot expect hospital authority to wait for the contractor's men/Supervisor who may not be present at the hospital at the given point of time, to give necessary instruction for immediate action for cleaning any part of the hospital to its Karmacharies. Such instruction and direction to contractor's employees by the hospital authority in emergency situation cannot be said that those contractor's employees work as per the direction and control of hospital authorities. That apart, the hospital authorities are the best person to direct its contractor to depute what number of its employees in which Department of the hospital.

Further, the workmen have failed to produce their attendance register to prove their attendance is maintained by the hospital authority and not by the contractor to prove though they being the employees of a contractor, their work is controlled and supervised by the authority of the hospital. They have also failed to produce their duty roster to prove they are assigned duty in the different departments of the hospital by the hospital authority or that the hospital authority is the one who sanction their leave and has power to take disciplinary action against them. In fact no evidence whatsoever have been laid by the workmen on the above issue.

The exhibited documentary evidence i.e. I.D. Cards and Provident Fund Slips prima facie shows all the workmen have been issued I.D. Cards by their contractor employer, Commando Division. Their EPF slips show their EPF was earlier deposited by the contractor named General Security & Information Services and at present by Commando Division and not by ESIC Hospital and their employer share of contribution is also made by their contractor employer.

Further, nothing has come on record to show that ESIC authority had/has a say as to who should be employed by the contractor or method of recruitment to be followed by the contractor. In fact contractor was/is at liberty to employ/supply any person including those who were already working under the earlier contractor to work in the ESIC Hospital.

Question may arise whether the continuance of contractor workers under various contractors engaged by principal employer means are they in actual service of the principal employer?

To such question, this Tribunal is of view the employees of the previous contractors may be taken by the new contractor to protect the continuance of the source of livelihood of the contractors' labours and perhaps those employees are already well aware of the nature of job to be rendered in the hospital, but such facts will not give rise to a right to regularisation in the employment of the principal employer.

In the present case, the principal employer in question is ESIC Hospital, a Central Govt. establishment. So, it appears that ESIC Hospital has sourced out the job probably after obtaining the necessary approval from the appropriate authority under the Contract Labour (Regulation & Abolition) Act, 1970.

Since it is not the case of the workmen that contract executed in between ESIC and the contractor is not genuine or sham. Therefore, the workmen of the so called contractors cannot raise an industrial dispute for declaring that they were always the employees of the principal employer as they were engaged for doing perennial nature of cleaning job of hospital and claim absorption.

It is well settled that exclusively authority to decide whether the contract labour should be abolished or not is that of the appropriate Govt. u/s 10 of the Contract Labour (Regulation & Abolition) Act, 1970. However, the exclusive jurisdiction of the appropriate Govt. under section 10 of the Act arises only where the labour contract is genuine.

The question whether the contract is genuine or not can be examined and adjudicated upon by the Court or Industrial Adjudicator as the case may be. In such case the workmen can make a grievance that there is no genuine contract and they are in fact the employees of the principal employer. In the present case the workmen nowhere challenged the genuineness of the contract executed between ESIC authority and Commando Division, the present contractor. Therefore, question of abolition of the contract labour at ESIC does not arise. Moreover, such issue is not a subject matter of dispute in the order of reference.

Since there is no pleading or no evidence has been laid by the workmen challenging the genuineness of the contract between ESIC hospital and its contractor, the immediate employer of the workman, this Tribunal holds the contract is genuine. When the labour contract is genuine then there exists no relationship of employer and employee in between principal employer and the workmen of contractor and the employees of the contractor cannot raise an industrial dispute against the principal employer.

The Hon'ble Supreme Court in Gujarat Electricity Board –vs- Hind Mazdoor Sabha & Ors (supra) held that if the contract is genuine the Industrial Adjudicator may refer the workman to the appropriate Govt. for abolition of the contract labour u/s 10 of the Act and keep the dispute pending, provided if the dispute is espoused by the direct workman of the principal employer. If the workman of the principal employer have not espoused the dispute, the Adjudicator after coming to the conclusion that the contract is genuine, has to reject the reference. The dispute being not an industrial dispute within the meaning of section 2(k) of the I.D. Act, the Industrial Adjudicator will not be competent to give any relief to the workman of the contractor even if the labour contract is abolished by the appropriate Govt.

For the sake of argument even if it is assumed that the contract that exists between the authority of ESIC hospital and its contractor is sham and that ESIC hospital has indulged unfair labour practice, still a question remains, whether ESIC hospital, a Central Govt. organisation can absorb its contractor's employees without following the recruitment rules and regulations and when there exist no sanctioned posts?

No evidence whatsoever have come on record to show that those contractor's workmen are engaged by ESIC hospital against sanctioned posts and keeping those posts vacant. More so, the Hon'ble Supreme Court in the Secretary, State of Karnataka-vs- Uma Devi & Ors, held Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark and the Constitution has provided also for affirmative action to ensure that unequal are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme. A sovereign government, considering the economic situation in the country and the work to be got done, is not precluded from making temporary appointments or engaging workers on daily wages. But, a regular process of recruitment or appointment has to be resorted to, when regular vacancies in posts, at a particular point of time, are to be filled up and the filling up of those vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule. That regularisation cannot be mode of recruitment.

In the present case the workmen have failed to prove that there exist permanent sanctioned posts of sweepers in ESIC and they possesses all the qualification to be appointed as Sweepers.

Ld Counsel for the workmen has referred to Hussainbhai, Calicut –vs- The Alath Factory Thezhilali Union, Kozhikode & Ors. This Tribunal is of view the facts of the above case is entirely different to the present one as in the present case the establishment in question is a Central Govt. establishment and not a privately owned establishment.

A Central Govt. establishment is bound by the recruitment rules to which it is governed and it cannot make recruitment in violation of the recruitment rules and cannot recruit without any sanctioned post.

So, from the above discussion it appears that ESIC hospital having right to engage contractor or sourced out its sweeping or cleaning or housekeeping work. Further, such facts prove that ESIC hospital is not restrained from getting its cleaning job or job of sweeper sourced out, though the nature of such work may be perennial in nature.

Therefore, this Tribunal is of view the contractor labours who seek regularisation/ absorption must first obtain an order u/s 10 of the Contract Labour (Regulation & Abolition) Act, prohibiting or preventing ESIC from engaging contractor to get its sweeping, cleaning or house-keeping job through contractor labours and approach the Central Government for creation of permanent post of sweepers in ESIC Hospitals.

In view of the above, prima facie there exists no relationship of employer and employee in between ESIC and its contractor's employees and claim of absorption of those 22 contractor labours in the ESIC hospital that too against non-existing sanction vacant posts is not maintainable. Therefore, ESIC authority is justified in denying the regularisation of its contractor's employees.

Accordingly, the Reference No. 57 of 2014 is dismissed and an award to that effect is passed.

K. D. BHUTIA, Presiding Officer

नई दिल्ली, 7 मई, 2024

का.आ. 860.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हल्दिया डॉक कॉम्प्लेक्स के प्रबंधन के संबद्ध नियोजकों और कलकत्ता पोर्ट ट्रस्ट वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-07/2003) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-32011/4/2002-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 860.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 07/2003**) of the Central Government Industrial Tribunal cum Labour Court, **Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Haldia Dock Complex** and **Calcutta Port Trust Workers' Union** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-32011/4/2002-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO. 07 OF 2003

Parties : Employers in relation to the management of

The Chairman, Haldia Dock Complex

AND

Calcutta Port Trust Workers' Union

Appearance :

On behalf of Calcutta Port Trust. : Mr. Alok Banerjee and Sk. Omar Shariff, Ld. Advocates.

On behalf of the Unions : Absent.

Dated: 8th April, 2024

AWARD

The management of Calcutta Port Trust is present.

None appears from the side of the union which has espoused the present dispute.

Record shows the union under reference i.e. Calcutta Port Trust Workers Union, which has espoused the present dispute has not been taking any step or adducing any evidence to substantiate its claim since very long. So, an assumption can be drawn the union namely Calcutta Port Trust Workers Union or workmen belonging to Haldia Shore Ships Transport Handling Workers Co-operative and Construction Society Ltd. are no more interested to proceed with the dispute under reference.

However, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication vide order No. L-32011/4/2002 –IR (M) dated 13-11-2002:-

“Whether Mr. Abkdul Gaffor plus other 549 workmen employed in loading/unloading of cargo, through Haldia Shore Ships Transport Handling Workers Co-operative and Construction Society Ltd., during 1978 are entitled for absorption in the regular service in Calcutta Port Trust at Haldia Dock Complex or not? If not, for what relief they are entitled?”

In the record I find the only claim statement and no oral or documentary evidence being filed or adduced by the union under reference for determination of the above dispute.

Therefore, in absence of oral or documentary evidence from the side of the union which has espoused the dispute or by the workmen of a Cooperative Society, whose cause is involved in the present reference case, this Tribunal is unable to decide the issue under reference.

Further, nothing has come on record to show that those 550 workmen belonging to Haldia Shore Ships Transport Handling Workers C-operative and Construction Society Ltd. were used to work exclusively for Calcutta Port Trust and used to work under the supervision of the authorities of Calcutta Port Trust or they were in the muster roll or casual role of Calcutta Port Trust.

Moreover, nothing has come on record to prove that there were/are sanctioned vacant posts of Loaders at Calcutta Port Trust. That Calcutta Port Trust by keeping the sanctioned posts vacant used to get the work of loading and unloading done at its Haldia Dock Complex through the loaders belonging to a Co-operative Society.

Therefore, in view of above ‘no dispute award’ is passed and Reference Case no. 07 of 2003 is hereby disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 7 मई, 2024

का.आ. 861.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और पेट्रोलियम वर्कर्स यूनियन; पेट्रोलियम एम्प्लाइज यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-29/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-55]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 861.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 29/2023**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Bharat Petroleum Corporation Ltd., and Petroleum Workers Union; Petroleum Employees' Union** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-55]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, HYDERABAD**Present: - **Shri Irfan Qamar,**

Presiding Officer

Dated the 8th day of April, 2023**INDUSTRIAL DISPUTE No. 29/2023**

Between:

1. The President,
Petroleum Workers Union,
348, Ambica St., Golden George Nagar,
Nerukundrum, Chennai- 600017.
2. The General Secretary,
Petroleum Employees' Union (BPC Unit)
No. 5, Devarajulu Naidu Street, Venkatapuram,
Ambattur, Thiruvallur – 600 053. -- Petitioner Union(s)

AND

The Territory Manager (LPG),
Post Bag No. 9, HCL Post,
APIIC, I.D.A. Phase III,
Cherlapally, Hyderabad – 500 051. -- Respondent

Appearance:

For the Petitioner : Sri B. Kiran Kumar, Advocate
For the Respondent : None

AWARD

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No. 8/8/2023-B1 dated 6.10.2023 whereunder this Tribunal is required to adjudicate the dispute i.e.,

“Whether the action of management of M/s. Bharat Petroleum Corporation Ltd., in changing the service conditions of workmen by implementing the staggered weekly off and third shift operations at LPG Bottling Plant, Cherlapally, Hyderabad is justified and legal? If not, to what relief the workmen are entitled to?”

After receiving the above said reference, it was registered as ID No. 29/2023 in this Tribunal and notices were issued to both the parties and secured their presence.

2. During the pendency of proceeding, the 1st Petitioner, i.e., Petroleum Workers Union have filed their affidavit with a prayer to permit the Petitioner to withdraw the ID No.29/2023. Despite service of notice, 2nd Petitioner, i.e., Petroleum Employees Union remained absent, nor filed claim statement. Hence, in view of the affidavit of 1st Petitioner for withdrawing the industrial dispute and non-appearance of 2nd Petitioner, a ‘No claim’ award is passed. The reference is thus disposed of.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant corrected and signed by me on this the 8th day of April, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner
NIL

Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मई, 2024

का.आ. 862.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री वाई. रामबाबू के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-84/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/61/2013-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 862.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 84/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri Y. Rambabu** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. L-17012/61/2013-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 8th day of April, 2024

INDUSTRIAL DISPUTE No. 84/2014

Between:

Sri Y. Rambabu,

S/o Durga Rao

H.No. 25-9-207,

Sanjeeva Nagar, G.T. Road,

29th Ward, Bhimavaram,

W.G. Distt.

.....Petitioner

AND

1. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry.
2. The Branch Manager,
LIC of India,

Bhimavaram Branch,

Bhimavaram, W.G. Distt.-534201.

... Respondents

Appearances:

For the Petitioner : Sri V.V. Rama Krishna, Advocate

For the Respondent: Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 61/2013-IR(M) dated 12.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri Y. Rambabu, Ex-Temp. Class-IV LIC of India, Bhimavaram Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 84/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner's evidence, Petitioner remained absent. Petitioner did not adduce any evidence in support of his claim statement despite sufficient opportunity provided to him. The claim statement filed by the Petitioner has not been substantiated by any evidence. In view of the above, the claim petition is liable to be dismissed. Hence, dismissed, and a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 8th day of April, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मई, 2024

का.आ. 863.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री पेड्डापल्ली नरेश के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेंस न.-40/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-56]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 863.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 40/2018**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri Peddapalli Naresh** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-56]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 28th day of March, 2024**INDUSTRIAL DISPUTE LC No. 40/2018**

Between:

Sri Peddapalli Naresh,
S/o Narsaiah,
R/o Village: Pochammawada,
Mandal & District: Jagityal.Petitioner

AND

1. The Branch Manager,
Life Insurance Corporation of Jagityal.
2. The Divisional Manager,
LIC of India Tower Circle Karimnagar,
LIC office, Karimnagar.
3. Zonal Manager,
Life Insurance Corporation of India,
Saifabad, Hyderabad. ... Respondents

Appearances:

For the Petitioner : M/s. S. Bhagwantha Rao & S.V. Rama Devi, Advocates
For the Respondent : Sri Venkatesh Dixit, Advocate

AWARD

Sri Peddapalli Naresh, who worked as Casual Labour (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents LIC of India seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Petitioner's evidence, Petitioner called absent. Despite providing sufficient opportunity Petitioner did not adduce any evidence to substantiate his claim. Therefore, a 'No claim' award is passed for want of evidence.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 28th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मई, 2024

का.आ. 864.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री पोचमपल्ली थिरुपति के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.-42/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-58]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 864.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 42/2018**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri Pochampalli Thirupati** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-58]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 28th day of March, 2024

INDUSTRIAL DISPUTE LC No. 42/2018

Between:

Sri Pochampalli Thirupathi,
S/o Rajaiah,
R/o H/o Raguramula Kota,
Village: Thimmapur,
Mandal & District: Jagityal.
AND

.....Petitioner

1. The Branch Manager,
Life Insurance Corporation of Jagityal.
2. The Divisional Manager,

LIC of India Tower Circle Karimnagar,
LIC office, Karimnagar.

3. Zonal Manager,

Life Insurance Corporation of India,

Saifabad, Hyderabad.

... Respondents

Appearances:

For the Petitioner : M/s. S. Bhagwantha Rao & S.V. Rama Devi, Advocates

For the Respondent : Sri Venkatesh Dixit, Advocate

AWARD

Sri Pochampalli Thirupathi, who worked as Watchman (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents LIC of India seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Petitioner's evidence, Petitioner called absent. Despite providing sufficient opportunity Petitioner did not adduce any evidence to substantiate his claim. Therefore, a 'No claim' award is passed for want of evidence.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 28th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मई, 2024

का.आ. 865.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री पित्तला श्रीनिवास के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-41/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-57]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 865.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 41/2018) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to

Life Insurance Corporation of India and **Sri Pittala Srinivas** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-57]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 28th day of March, 2024

INDUSTRIAL DISPUTE LC No.41/2018

Between:

Sri Pittala Srinivas,

S/o Narayana,

R/o Village: Jabithapoor,

Mandal & District: Jagityal.

.....Petitioner

AND

1. The Branch Manager,
Life Insurance Corporation of Jagityal.

2. The Divisional Manager,
LIC of India Tower Circle Karimnagar,
LIC office, Karimnagar.

3. Zonal Manager,
Life Insurance Corporation of India,
Saifabad, Hyderabad.

... Respondents

Appearances:

For the Petitioner: M/s. S. Bhagwantha Rao & S.V. Rama Devi, Advocates

For the Respondent: Sri Venkatesh Dixit, Advocate

AWARD

Sri Pittala Srinivas, who worked as Night Watchman (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents LIC of India seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Petitioner's evidence, Petitioner called absent. Despite providing sufficient opportunity Petitioner did not adduce any evidence to substantiate his claim. Therefore, a 'No claim' award is passed for want of evidence.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 28th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

Witnesses examined for the
Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मई, 2024

का.आ. 866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला मजदूर संघ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (12/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/08/2022-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 7th May, 2024

S.O. 866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (12/2022) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mazadoor Union** and their workmen, received by the Central Government on 07/05/2024.

[No. L-22012/08/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/12/2022

Present: P.K.Srivastava

H.J.S..(Retd)

The President,

Coal Mazdoor Union,

Ambada, District Chhindwara

(M.P.) 480449

Workman

VERSUS

The Manager,

Mohan Kalri,

Vekoli Kanhan Area,

Post- Ambada,

District- Chhindwara (M.P.) - 480449

Management

AWARD(Passed on this 17th day of April-2024.)

As per letter dated 04/02/2022 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/08/2022 (IR(CM-II)) dt. 04/02/2022. The dispute under reference related to :-

“क्या, प्रबंधक मोहन कालरी, वेकोली कन्हान क्षेत्र, पोस्ट-अम्बाडा, जिला-छिंदवाडा (म. प्र.) द्वारा श्री जुबेद अहमद पिता बकरीदी, भूतपूर्व कामगार मोहर कालरी, कन्हान क्षेत्र को कथित रूप से न्यायालय द्वारा उन्हें दोषमुक्त किये जाने के आधार पर प्रबंधक वेकोली दमुआ कालरी के कार्यालय आदेश दिनांक 29/4/2010 के तहत विभागीय कार्यवाही

उपरान्त उनकी रोकी गयी एक वेतन वृद्धि को उनके बेसिक वेतन में 2010 से जोड़कर बेसिक फिटमेंट एवं वेतन लाभ नहीं दिया जाना न्यायोचित है? यदि नहीं तो श्री जुबेद अहमद पिता बकरीदी, भूतपूर्व कामगार मोहन कालरी, बेकोली कन्हान क्षेत्र किस अनुतोष के अधिकारी है। ”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer

DATE: 17/04/2024

नई दिल्ली, 7 मई, 2024

का.आ. 867.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इंस्टीट्यूट ऑफ़ मिनरल्स एंड मैटेरियल्स टेक्नोलॉजी, (आईएमएमटी); मेसर्स बॉम्बे इंटेलिजेंस सिक्योरिटी (इंडिया) लिमिटेड के प्रबंधन के संबंध में नियोजकों और श्री अक्रुरा दास के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स नं.-62/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-50]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 867.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 62/2021**) of the Central Government Industrial Tribunal cum Labour Court, **Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Institute of Minerals & Materials Technology, (IMMT); M/s Bombay Intelligence Security, (India) Ltd. and Sri Akrura Das** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-50]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 62/2021

Date of Passing Order – 29th February, 2024

Between:

1. The Director, M/s. Institute of Minerals & Materials Technology (IMMT), Sachivalaya Marg, RRL Campus, Acharya Vihar, Bhubaneswar, Odisha – 751 013.

2. The Director, M/s. Bombay Intelligence Security,(India) Ltd., 101, Omega House, Hiranandani Gardens, Powai, Mumbai – 400076.

... 1st Party-Managements.

(And)

Sri Akrura Das, S/o. Hadibandhu Das,
Vill/Po. Tikiri, Dist. Nayagarh.

... 2nd Party-Workman.

Appearances:

None. ... For the 1st Party-Managements.

None. ... For the 2nd Party-Workman.

ORDER

In the present case, a reference was received from the office of the Deputy Chief Labour Commissioner (Central), Bhubaneswar vide order No. 8(33)/2020-B.IV/ADJ/21/B.I, dated 17th September, 2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

“Whether the action of M/s. Bombay Intelligence Security (India) Ltd., the contractor of the management of M/s. Institute of Minerals of Materials Technology, Bhubaneswar, terminating the service of Sri Akrura Das (Security Guard) without retrenchment benefits is just, fair and legal? If not, to what relief the concerned workman is entitled to?

2. In the reference order, the Deputy chief Labour Commissioner (Central), Bhubaneswar commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

3. Despite directions so given, no statement of claim is received from the 2nd party-workman.

4. On receipt of the above reference, notice was sent to the 2nd Party-Workman on 20.12.2021 and on dated 27.04.2023 for appearance and for filing of statement of claim. Neither the postal article sent to the 2nd Party-Workman, referred to above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred to above. Therefore, every presumption lies in favour of the fact that the above notices were served upon the 2nd Party-Workman. Despite service of the notice, the 2nd Party-Workman opted to abstain away from the proceedings. No claim statement was filed on its behalf. Thus, it is clear that the 2nd Party-Workman is not interested in adjudication of the reference on merits.

5. Since the 2nd Party-Workman has neither filed statement of claim nor has led any evidence so as to prove its cause against the Management, it is presumed that there is no claim of workman against the Management.

6. In view of such, no claim Order is passed by this Tribunal.

7. Let this order be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 7 मई, 2024

का.आ. 868.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इंस्टीट्यूट ऑफ़ मिनेरल्स एंड मैटेरियल्स टेक्नोलॉजी, (आईएमएमटी); मेसर्स बॉम्बे इंटेलिजेंस सिक्योरिटी (इंडिया) लिमिटेड के प्रबंधन के संबंध में नियोजकों और श्री जीतेन्द्र स्वैन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेंस नं.-63/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-51]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 868.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 63/2021**) of the Central Government Industrial Tribunal cum Labour Court, **Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Institute of Minerals & Materials Technology, (IMMT); M/s Bombay Intelligence Security, (India) Ltd.** and **Sri Jitendra Swain** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-51]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 63/2021**Date of Passing Order – 29th February, 2024**

Between:

1. The Director, M/s. Institute of Minerals & Materials Technology (IMMT), Sachivalaya Marg, RRL Campus, Acharya Vihar, Bhubaneswar, Odisha – 751 013.
 2. The Director, M/s. Bombay Intelligence Security, (India) Ltd., 101, Omega House, Hiranandani Gardens, Powai, Mumbai – 400076.
- ... 1st Party-Managements.

(And)

Sri Jitendra Swain, S/o. B.C. Swain,
Vill, puram, P.O. Alabol, Dist. Jagatsinghpur – 754 108.

... 2nd Party-Workman.

Appearances:

None. ... For the 1st Party-Managements.
None. ... For the 2nd Party-Workman.

ORDER

In the present case, a reference was received from the office of the Deputy Chief Labour Commissioner (Central), Bhubaneswar vide order No. 8(32)/2020-B.IV/ADJ/21/B.I, dated 17th September, 2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

“Whether the action of M/s. Bombay Intelligence Security (India) Ltd., the contractor of the management of M/s. Institute of Minerals of Materials Technology, Bhubaneswar, terminating the service of Sri Jitendra Swain (Security Guard) without retrenchment benefits is just, fair and legal? If not, to what relief the concerned workman is entitled to?

2. In the reference order, the Deputy chief Labour Commissioner (Central), Bhubaneswar commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses

with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

3. Despite directions so given, no statement of claim is received from the 2nd party-workman.

4. On receipt of the above reference, notice was sent to the 2nd Party-Workman on 20.12.2021 and on dated 24.04.2023 for appearance and for filing of statement of claim. Neither the postal article sent to the 2nd Party-Workman, referred to above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred to above. Therefore, every presumption lies in favour of the fact that the above notices were served upon the 2nd Party-Workman. Despite service of the notice, the 2nd Party-Workman opted to abstain away from the proceedings. No claim statement was filed on its behalf. Thus, it is clear that the 2nd Party-Workman is not interested in adjudication of the reference on merits.

5. Since the 2nd Party-Workman has neither filed statement of claim nor has led any evidence so as to prove its cause against the Management, it is presumed that there is no claim of workman against the Management.

6. In view of such, no claim Order is passed by this Tribunal.

7. Let this order be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 7 मई, 2024

का.आ. 869.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इंस्टीट्यूट ऑफ़ मिनरल्स एंड मैटेरियल्स टेक्नोलॉजी, (आईएमएमटी); मेसर्स बॉम्बे इंटेलिजेंस सिक्योरिटी (इंडिया) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री संसारी बेहरा के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स नं.-64/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-52]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th May, 2024

S.O. 869.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 64/2021**) of the Central Government Industrial Tribunal cum Labour Court, **Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Institute of Minerals & Materials Technology, (IMMT); M/s Bombay Intelligence Security, (India) Ltd.** and **Sri Sansari Behera** which was received along with soft copy of the award by the Central Government on 07.05.2024.

[No. Z-16025/04/2024-IR(M)-52]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 64/2021

Date of Passing Order – 29th February, 2024

Between:

1. The Director, M/s. Institute of Minerals & Materials Technology (IMMT), Sachivalaya Marg, RRL Campus, Acharya Vihar, Bhubaneswar, Odisha – 751 013.
2. The Director, M/s. Bombay Intelligence

Security,(India) Ltd., 101, Omega House,
Hiranandani Gardens, Powai, Mumbai – 400076.

... 1st Party-Managements.

(And)

Sri Sansari Behera, S/o. Gadahar Behera,
Vill-P.O. - Bhsisfihi, Dist. Nayagarh, Odisha.

... 2nd Party-Workman.

Appearances:

None. ... For the 1st Party-Managements.

None. ... For the 2nd Party-Workman.

ORDER

In the present case, a reference was received from the office of the Deputy Chief Labour Commissioner (Central), Bhubaneswar vide order No. 8(35)/2020-B.IV/ADJ/21/B.I, dated 17th September, 2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

“That the contract has also been terminated under Section 2(OO)(bb) and the contract has been awarded to a new contractor who is not obliged to continue the employee in question, we may not referred?

2. In the reference order, the Deputy Chief Labour Commissioner (Central), Bhubaneswar commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

3. Despite directions so given, no statement of claim is received from the 2nd party-workman.

4. On receipt of the above reference, notice was sent to the 2nd Party-Workman on 20.12.2021 and on dated 28.04.2023 for appearance and for filing of statement of claim. Neither the postal article sent to the 2nd Party-Workman, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred to above. Therefore, every presumption lies in favour of the fact that the above notices were served upon the 2nd Party-Workman. Despite service of the notice, the 2nd Party-Workman opted to abstain away from the proceedings. No claim statement was filed on its behalf. Thus, it is clear that the 2nd Party-Workman is not interested in adjudication of the reference on merits.

5. Since the 2nd Party-Workman has neither filed statement of claim nor has led any evidence so as to prove its cause against the Management, it is presumed that there is no claim of workman against the Management.

6. In view of such, no claim Order is passed by this Tribunal.

7. Let this order be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 8 मई, 2024

का.आ. 870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 31/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/67/2021-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th May, 2024

S.O. 870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 31/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 06 /05/2024.

[No. L-22012/67/2021 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 31 OF 2021

PARTIES: Rasik Majhi.
Vs.
Management of Nimcha Colliery of ECL and another.

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Goswami, Advocate.

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 22.04.2024

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/67/2021-IR(CM-II)** dated 27.12.2021 has been pleased to refer the following dispute between the employer, that is the Management of Nimcha Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Nimcha Colliery under Satgram Area in dismissing the service of Shri Rasik Majhi, UG Loader, U.M. No. 127319 vide letter No. SAT/PER/GM/Termination/09/561 dated 10-13/02/2009 is just and legal? If not, to what relief the concerned workman is entitled to?”

1. On receiving Order **No. L-22012/67/2021-IR(CM-II)** dated 27.12.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 31 of 2021** was registered on 27.12.2021/01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. The workman filed written statement on 31.10.2022 through Mr. Rakesh Kumar, President, Koyala Mazdoor Congress. Management filed written statement on 17.01.2023. The fact of the workman's case is that Rasik Majhi, the workman was an Underground Loader bearing UM No. 127319 at Nimcha Colliery under Satgram Area of Eastern Coalfields Limited (hereinafter referred to as ECL). Due to his illness, he could not attend duty. After recovery from illness, he requested to the management to allow him to join duty but the management instead of allowing him to resume duty issued a Charge Sheet, levelling a charge of unauthorized absence from duty. According to the workman Charge Sheet was not served upon him and the same was sent to him at his home address. The management appointed an Enquiry Officer for conducting a Domestic Enquiry. Notice of enquiry were not served upon the workman and an ex-parte enquiry was held. The Enquiry Officer submitted his report recommending dismissal of Rasik Majhi from service of the company. The workman was absent from duty only for one month and twenty-three days i.e. from 31.01.2007 to 23.03.2007 for which a punishment of dismissal from service is disproportionate. It is contended that the management did not follow the guidelines of the Director (Personnel), Coal India Limited which mandates issuance of the 2nd Show Cause Notice before arriving at a final decision by the employer. It is contended that management of ECL has entered into a Memorandum of Settlement before the Regional Labour Commissioner (Central), Asansol on 22.05.2007 in which it was agreed that in cases where dismissed employees were up to forty-

five years of age and had absented from duty for a period up to nine months, their mercy appeals would be sympathetically considered on merit.

3. In the instant case Rasik Majhi submitted a mercy petition but the same was not considered though he was below forty-five years of age at the relevant time and his period of absence was only one month and twenty-three days. The workman belongs to the Scheduled Cast community, a weaker section of the society and has no means of sustenance. His past records are good and the charge of habitual absence could not be proved against him. The workman therefore, prayed for reinstatement in duty with payment of full back wages and other consequential benefits.

4. The management of ECL contested the case by filing written statement. The specific case of the management as disclosed in the written statement is that the management issued Charge Sheet against the workman bearing reference no. NC/CS/Per/151 Dated 23.03.2007 specifying the charges under Clause 26.23 of the Certified Standing Order for habitual unauthorized absence from duty and Clause 26.29 of the Certified Standing Order for unauthorized absence from duty beyond ten days. The workman did not submit any reply, as a result the management referred the same for a Domestic Enquiry. After issuance of Charge Sheet at his native place and issuance of nine Notice of enquiry at his home address recorded in the Form 'B' Register, under registered post, the workman did not turn up, as a result an ex-parte enquiry was held. Management published Notice of enquiry in the 'Dainik Lipi', a local newspaper on 20.06.2008 but the respondent remained absent. The charge levelled against the workman was established and the General Manager of Satgram Area dismissed him from service on issuance of letter of dismissal bearing no. SAT/PER/GM/Termination/09/561 dated 10/13.02.2009. After ten years the union raised an Industrial Dispute before the Assistant Labour Commissioner (Central), Asansol on 04/06.12.2021. According to the management the workman not only remained absent from duty without intimation to the management, he has no sense of responsibility and discipline to work in the public domain. The Charge Sheet and Notice were therefore sent at his home address. It is claimed that the period of absence from duty was not for one month and twenty-three days but he continued to be absent till his dismissal and he continued to remain absent during pendency of the enquiry proceedings for a period of one and a half years. It is urged that delay and laches should not be lightly brushed aside. According to the management the respondent company entered into a memorandum of settlement with the operating unions, including Koyala Mazdoor Congress, wherein it was agreed that in case of dismissal on the ground of absenteeism, the management could consider representation for reinstatement of workman based on three parameters i.e., (i) the age of the applicant should be below forty-five years, (ii) the period of absence should not be more than nine months, and (iii) merit of the case. Management contended that the workman remained absent for more than fourteen months and did not send any intimation to the employer company during the said period and did not bother to take part in the enquiry proceeding even after several Notice. The workman therefore does not deserve any sympathy. Further case of the management is that if the preliminary issue regarding fairness of the enquiry is decided against the management, in that event management may be given an opportunity to establish the charge by adducing independent evidence. It is asserted that a 2nd Show Cause Notice was issued to the workman before he was dismissed by the General Manager. The management claimed that the dismissal of the workman is just and proper and the dismissed workman is not entitled to any relief as claimed by him.

5. Workmen's union examined Rasik Majhi as witness - 1. In his statement on affidavit the workman admitted that he absented from duty w.e.f. 31.01.2007. It is averred that after recovery he reported for his duty but was not allowed to join and the management issued a Charge Sheet dated 23.03.2007. The workman is not only aware about the issuance of Charge Sheet but went on to state that the Charge Sheet was sent to his home address while he was at the colliery. He also stated that Notice of enquiry was not served upon him and the enquiry was held ex-parte. In his examination-in-chief the witness stated that he could not attend his duty due to fever, which was a result of being infected with Cough and Cold. He also deposed that he did not visit any doctor but took herbal medicines. Workman witness further stated that he did not receive any Charge Sheet and Notice of enquiry and no 2nd Show Cause Notice was issued to him. The witness produced a photocopy of letter of dismissal issued by the Chief General Manager, Satgram Area dated 10/13.02.2009, which has been marked as Exhibit W-1. He also produced a photocopy of Mercy Petition, as Exhibit W-2 and a copy of letter issued by the Chief Manager (Personnel), Satgram Area dated 24/25.09.2013, as Exhibit W-3.

6. In course of cross-examination WW-1 deposed that his house is situated in the District of Bankura. After recovery from illness he returned to his native village and resided there and took up the work of cultivation. The workman stated that he received Charge Sheet at his village address, thereby he admitted the receipt of Charge Sheet in connection with the case which he earlier disowned. It transpires from his evidence in course of cross-examination that during stay in his native place he used to take part in hundred days' work under MGNREGA scheme.

7. Mr. Sumit Choudhury, Manager (Personnel), Nimcha Colliery was examined as Management Witness - 1. He filed an affidavit-in-chief and stood the test of cross-examination. In course of his evidence-in-chief the witness produced the following documents :

- (i) Photocopy of the letter of appointment of the Enquiry Officer dated 30.03.2007 has been marked as Exhibit M-1.

- (ii) Photocopy of the Notice of enquiry dated 10.04.2007, as Exhibit M-2.
- (iii) Photocopy of the Envelope carrying Notice and A/D Card dated 12.04.2007, as Exhibit M-3.
- (iv) Photocopy of the 2nd Notice of enquiry dated 05.05.2007, as Exhibit M-4.
- (v) Photocopy of the 3rd Notice of enquiry dated 08.06.2007, as Exhibit M-5.
- (vi) Photocopy of the Envelope carrying Notice and A/D Card dated 13.06.2007, as Exhibit M-6.
- (vii) Photocopy of the 4th Notice of enquiry dated 19.07.2007, as Exhibit M-7.
- (viii) Photocopy of the Envelope carrying Notice dated 23.07.2007, as Exhibit M-8.
- (ix) Photocopy of the 5th Notice of enquiry dated 23.02.2008, as Exhibit M-9.
- (x) Photocopy of the 6th Notice of enquiry dated 12.03.2008, as Exhibit M-10.
- (xi) Photocopy of the 7th Notice of enquiry dated 09/11.04.2008, as Exhibit M-11.
- (xii) Photocopy of the 8th Notice of enquiry dated 02.05.2008, as Exhibit M-12.
- (xiii) Photocopy of the 9th Notice of enquiry dated 20.09.2008, as Exhibit M-13.
- (xiv) Photocopy of the Enquiry Report and findings in four pages has been collectively marked as Exhibit M-14.
- (xv) Photocopy of the 2nd Show Cause Notice dated 25/26.11.2008, as Exhibit M-15.
- (xvi) Photocopy of the letter of dismissal dated 10/13.02.2009, as Exhibit M-16.
- (xvii) Photocopy of the Form 'B' Register where the workman's home address has been recorded, as Exhibit M-17.

Witness identified the photocopy of the Charge Sheet as 'X' for identification, as the same did not bear the signature of the Manager of Nimcha Colliery. The workman did not dispute the Charge Sheet which was issued to Rasik Majhi on 23.03.2007. The charge was under Clause 26.29 of Certified Standing Order for absenting from duty w.e.f. 31.01.2007 to 23.03.2007, without any information or sanction of leave from competent authority. Referring to the past record of the workman a charge of habitual absenteeism was levelled against him for absenting from duty. It is stated that he attended work for 28 days in July 2006, 24 days in August 2006, 08 days in September 2006, Nil in October 2006, 10 days in November 2006, and 13 days in December 2006. After several Notice the workman did not appear and the Enquiry Proceeding was held ex-parte. Photocopy of Enquiry Report and findings are collectively marked as Exhibit M-14. Photocopy of the 2nd Show Cause Notice dated 26.11.2008 was marked as Exhibit M-15. The management witness could not produce document to show that the 2nd Show Cause Notice was served upon the workman. The letter of dismissal dated 13.02.2009 was marked as Exhibit M-16.

8. In his cross-examination the management witness deposed that all Notice of enquiry were sent to the workman at his registered address available in the Form 'B' Register and published in daily newspaper (Dainik Lipi) on 20.06.2008. He stated that the 2nd Show Cause Notice was also sent to the workman at his home address and was displayed on the Notice Board of the Colliery. No suggestion is put to the management witness that the 2nd Show Cause Notice was not sent to the workman at his home address.

9. The point for consideration is whether the dismissal of Rasik Majhi from service under ECL is legal and justified, and what relief, if any, is the workman entitled to.

10. Mr. Rakesh Kumar, Union Representative advancing his argument on behalf of Rasik Majhi submitted that the workman was unable to attend his duty from 31.07.2007 due to his illness. He was absent for one month and twenty-three days only. After recovering from his ailment, the workman went to join his duty but the management did not permit him to join. Neither any Charge Sheet nor any Notice of enquiry was served upon the workman but he was dismissed from service keeping him in the dark. The union representative argued that the punishment of dismissal from service is disproportionate to the alleged misconduct of absence from duty only for a period of one month and twenty-three days. It is urged that the workman filed an application praying for mercy but the management did not consider his petition though he remained absent for less than nine months and was only 42 years of age at the relevant time, his year of birth being 1981. Mr. Kumar prayed for granting an opportunity to the workman for being reinstated, fairly submitting that the workman is ready to forgo the claim for back wages.

11. In reply Mr. P. K. Das, learned advocate for the management of ECL argued that the workman was chargesheeted for his unauthorized absence from duty from 31.01.2007 to 23.03.2007 without any information regarding the reason of his absence, thereby he disrupted the work of the employer company. The second charge against the workman was that he habitually remained absent from duty and during the period from July 2006 to December 2006 he attended duty only for 83 days. It is contended that though the workman denied receiving any Charge Sheet, it would be evident from paragraph (4) of his affidavit-in-chief that he was fully aware that the Charge

Sheet was issued to him bearing No. NC/CS/Per/151 dated 23.03.2007. Moreover, in his cross-examination Rasik Majhi admitted that he received Charge Sheet at his village address. The workman made no effort to submit any reply, denying the charge proposed against him under Clause 26.23 and 26.29 of the Certified Standing Order. It is argued that the nonchalant conduct of the workman is evident from the fact that he did not participate in the enquiry proceeding which commenced after issuing nine Notice to the workman at his home address at Vill-Choukhuri, PO-Salma, PS-Saltora, Dist-Bankura (West Bengal). After holding an ex-parte enquiry, the Enquiry Officer submitted his report and findings, which has been collectively marked as Exhibit M-14. The Enquiry Proceeding started on 26.04.2007. It was clearly stated by the Enquiry Officer that the Notice of enquiry was sent to the home address of Rasik Majhi and displayed on the Notice Board of the Colliery but the workman did not turn up. The enquiry was thereafter fixed up on 03.06.2007, 03.07.2007, 18.08.2007, 12.03.2008, 08.04.2008, 29.04.2008, 20.06.2008 and on the 9th occasion on 13.10.2008. Learned advocate submitted that on all occasions prior Notice was sent at the home address of the workman and same was displayed on the Notice Board of the Colliery. Reasonable opportunity was granted to the workman but Rasik Majhi did not turn up. The management representative was examined and on the basis of the enquiry held the Enquiry Officer arrived at a finding that the charges under Clause 26.23 and 26.29 of the Certified Standing Order have been proved. A 2nd Show Cause Notice was also issued to the workman under registered post bearing No. SAT/GM/PER/LAB_C/2008/4214 dated 25/26.11.2008 along with photocopy of the Enquiry Proceeding and Report of the Enquiry Officer for submitting his comments / representation to the officer of the management within 72 hours of receipt of the letter. The workman did not respond and the Disciplinary Authority after taking into consideration all aspects, issued a letter to Rasik Majhi bearing No. SAT/PER/GM/Termination/09/561 dated 10/13.02.2009, dismissing him from the services of the company from the date of issuance of the letter. The workman in his examination-in-chief has admitted that he received the letter of dismissal. Learned advocate for the management argued that there is no extenuating or mitigating circumstances to absolve the workman from the charges of his habitual and unauthorized absence. The order of dismissal is therefore just, proper and necessary to maintain discipline the service of the company.

12. I have considered the scheduled dispute raised by the workman and his union, the contents of written statement of the workman and management as well as evidence adduced by their witnesses. Perused the documents brought on record for the purpose of adjudication of this case and considered the argument advanced. The evidence on record reveals that though the workman admitted the fact of remaining absent from duty during the period from 31.01.2007 to 23.03.2007 without any information to the management, initially he claimed that he did not receive the Charge Sheet, as it was sent to his home address as he was at the colliery at the relevant time. In course of cross-examination, during unguarded moments, the workman witness conceded the fact that he received the Charge Sheet at his village address. The workman neither submitted any reply to the Charge Sheet nor participated in the enquiry. He also did not deny the charge of habitual absence from duty. In course of evidence the workman has produced a copy of mercy petition addressed to the Director (Personnel), ECL, Sanctoria, whereby he prayed for allowing him to join duty in accordance with the Memorandum of Settlement dated 22.05.2007 and 23.05.2007. The said letter does not bear any endorsement of receipt on behalf of the management. On a close reading of the letter, it appears that several facts like date of birth, date of appointment, UM number are disclosed. The date of issuance of letter cannot be found from the four corners of the letter. The management witness has categorically denied that such Mercy Petition had been submitted by the workman. From Exhibit W-3, a letter issued by the Chief Manager (Personnel) Satgram Area dated 24/25.09.2013, filed by the union, it appears that the management at the Area level had taken a decision that no application or mercy petition, received after 30th June 2013 shall be considered under the Memorandum of Settlement. From the undated mercy application of the workman (Exhibit W-2) as well as the written statement and affidavit-in-chief filed by the workman it cannot be gathered whether such mercy application was filed prior to 30th June 2013 or not. Be that as it may, I find that the charge against the workman for violating the Clause 26.23 and 26.29 of the Certified Standing Order have been clearly proved against the workman and the charged workman has not been able to dislodge the same. The WW-1 in his examination-in-chief has deposed that he could not attend duty due to fever which was due to cough and cold. He did not visit any doctor but took herbal medicine. It is unacceptable that a person suffering from fever and illness for a period of one month and twenty-three days would not receive any medical treatment for his recovery. It can be well presumed that the workman unilaterally decided to remain absent from duty without any major problem. He has not stated any specific date when he went to join his duty. Non-participation in the Enquiry Proceeding after Charge Sheet and nine Notice of enquiry, which were sent to his home address where he earlier received his Charge Sheet, goes to prove that the workman did not turn up at the place of work not only for one month and twenty-three days but for the entire period from 31.01.2007 until he was dismissed in February 2009. It is evident that the management provided reasonable opportunity to the workman to participate in the enquiry proceeding. The Enquiry Officer had adjourned the Enquiry Proceeding on eight occasions and on the 9th occasion he proceeded the matter ex-parte after publishing Notice in a daily newspaper. The charge of unauthorized absence from duty for more than 10 days was compounded the habitual absence of the workman on earlier occasion. There is no satisfactory explanation by the workman even at the time of adjudication of this Industrial Dispute regarding his long and habitual absence from work place.

13. The workman denied having received the 2nd Show Cause Notice but the management witness has produced a copy of the 2nd Show Cause Notice issued to the workman, as Exhibit M-15. In cross-examination the management

witness deposed that the 2nd Show Cause Notice was sent to the workman at his home address and it was also displayed in the Notice Board. Therefore, the evidence of the management witness satisfactorily established that prior to dismissal of workman a 2nd Show Cause Notice was issued to him, providing reasonable opportunity to make his representation.

14. Finally, the cross-examination of the workman revealed that after his recovery from illness he returned to his native village at Bankura and started residing there and took up cultivation work. He further deposed that he used to take part in hundred days' work under MGNREGA scheme. This evidence of the workman speaks volume against him about his nonchalant conduct and utter disinterest in respect to his employment under the ECL management. By taking part in such activity of cultivation and hundred days' work under MGNREGA scheme for unemployed persons, the workman adopted alternative mode of sustenance and accepted the termination of his service. I do not find any mitigating circumstance in favour of the workman under which the management should have considered the re-instatement of the workman.

15. In the light of the facts and circumstances of this case and my above discussion, I am of the considered view that the act of the management in dismissing the service of Rasik Majhi, from service, vide letter no. SAT/PER/GM/Termination/09/561 dated 10/13.02.2009 is just, proper and the same calls for no interference. The Industrial Dispute raised after twelve years has no basis and the same is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. the order of termination of Rasik Majhi does not call for any interference. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 8 मई, 2024

का.आ. 871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 18/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/79/2009-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th May, 2024

S.O. 871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D.No. 18/2010**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 06 /05/2024.

[No. L-22012/79/2009 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

EFOR THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 18 OF 2010

PARTIES: Kabutari Dhangar
(wife of Late Puna Dhangar)

Vs.

Management of Khandra Colliery of ECL

REPRESENTATIVES:

For the Union/Workman : None
For the Management of ECL : Mr. P. K. Goswami, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 05.04.2024.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/79/2009-IR(CM-II)** dated 15.06.2010 has been pleased to refer the following dispute between the employer, that is the Management of Khandra Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. ECL in allegedly not providing employment to Smt. Kabutari Dhangar, wife of Shri Puna Dhangar (ex-workman), on compassionate ground is legal and justified? To what relief is the claimant entitled for? ”

1. On receiving Order **No. L-22012/79/2009-IR(CM-II)** dated 15.06.2010 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 18 of 2010** was registered on 02.07.2010 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. The case is fixed up today for appearance of Kabutari Dhangar and evidence of management witness. On repeated calls at 12.50 p.m. none appeared for the management of Eastern Coalfields Limited. No management representative of Bankola Area is available.
3. Notice under registered post was issued at the address of Kabutari Dhangar, petitioner for whom this Industrial Dispute is raised. Postal envelope has been returned with an endorsement “Not found”. No union representative turned up on behalf of the petitioner.
4. Kabutari Dhangar filed an affidavit-in-chief in support of her case and was cross-examined by the management on 03.10.2016. Cross-examination reveals that Puna Dhangar, Ex-workman went missing. Photocopy of Death Certificate has been produced by the management indicating that person concerned died on 08.05.1995. In affidavit-in-chief, Kabutari Dhangar stated that her husband went missing from 05.02.1995. She has also denied in paragraph 10 of her affidavit-in-chief that her husband did not go missing or expired on 08.05.1995 as had been claimed by the management.
5. I find substantial discrepancy in the statements of the petitioner wife and documents filed by her in respect of missing of her husband. It is also stated that there was an alleged case of termination of service of her husband on 12.01.1998 and she claimed that such termination was illegal. Be that as it may, due to long absence of Kabutari Dhangar after Notice I am not inclined to proceed further with this Industrial Dispute and the same is dismissed for non-prosecution. Let a No Dispute award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 8 मई, 2024

का.आ. 872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय**

सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 111/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/456/98-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th May, 2024

S.O. 872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 111/1999**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 06 /05/2024.

[No. L-22012/456/98 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 111 OF 1999

PARTIES: Kedar Bind
(represented by the dependant family members)
Vs.
Management of Madhabpur Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 24.04.2024

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/456/98/IR(CM-II)** dated 30.07.1999 has been pleased to refer the following scheduled dispute between the employer, that is the Management of Madhabpur Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Madhabpur Colliery of Kajora Area of M/s. ECL in dismissing Sh. Kedar Bind, Underground Loader from service is legal and justified? If not, to what relief is the workman entitled?”

1. On receiving Order **No. L-22012/456/98/IR(CM-II)** dated 30.07.1999 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 111 of 1999** was registered on 18.08.1999 / 21.09.2001 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. A written statement was filed by the workman on 12.11.2002 through Mr. Rakesh Kumar, Union representative. The case of the workman as disclosed in the written statement is that Kedar Bind was a permanent employee of the company and while he was posted at Madhabpur Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL) was facing some problem to attend duty due to pressure created on him by money lenders at the colliery. The workman applied for his transfer to some other colliery. The management considered his prayer and issued an order of transfer vide Ref. No. KA/PM/C-6/2(c)/2468 dated 06.11.1995. While the proposal for transfer was being processed Kedar Bind absented from duty w.e.f. 15.04.1995 to 14.09.1995 and the management of Madhabpur Colliery issued a Charge Sheet against him for his unauthorized absence from duty without information. The workman replied to the charges levelled against him and prayed before the management to allow him to join duty. The management of ECL instead of permitting Kedar Bind to join his duty, held a Domestic Enquiry. The workman participated in the Enquiry Proceeding and he was found guilty of the charge for which an order of dismissal bearing No. Madh/P&IR/Dismissal/96/667 dated 11/18.06.1996 was issued, whereby Kedar Bind was dismissed from service w.e.f. 17.06.1996. Subsequently the Manager of Madhabpur Colliery issued a Corrigendum on 20.06.1996 and changed the date of termination to 30.05.1996 instead of 17.06.1996. It is contended on behalf of the workman that Manager of the colliery cannot change the order passed by the General Manager in respect of date of dismissal.

3. According to the union the punishment of dismissal meted out to the workman is harsh, extreme and disproportionate to the nature of the misconduct alleged to have been committed. It is contended on behalf of the workman that he is in the clutches of money lenders who snatches his salary for which he is facing starvation. He used to be beaten up and threatened by anti-socials if he protested against them. To avoid such unbearable situation, he applied for his transfer. The management being aware about the crisis agreed to transfer the workman but dismissed him from service. It is claimed that the management did not serve any 2nd Show Cause Notice to the workman in accordance with the Circular of Coal India Limited or in compliance with the law laid down by the Hon'ble Supreme Court of India. It is urged that the dismissal of Kedar Bind, an Underground Loader at Madhabpur Colliery is illegal and the dismissal order is liable to be set aside and full back wages be paid to him with all consequential benefits.

4. The management of Madhabpur Colliery of ECL contested the case by filing written statement on 05.09.2007. According to the management there is no reason for initiating this Industrial Dispute. The specific case of the management as contended in their written statement is that, Kedar Bind, ex-workman, absented from his duty from 15.04.1995 continuous for more than ten days without any leave or permission. Accordingly, a Charge Sheet was issued to him under Clause 17(i)(n) of the Model Standing Order applicable to the establishment. The workman submitted a reply denying the charges but the management not finding the explanation satisfactory initiated a Domestic Enquiry on the said charge. The workman participated in the enquiry along with co-worker and was afforded reasonable opportunity to defend his case. The Enquiry Proceeding was held observing the principles of natural justice. The workman admitted the charge framed against him and prayed for taking a lenient view. The Enquiry Officer submitted his report before the Appointing Authority, holding that the charge was fully established. After careful consideration of the Charge Sheet, Enquiry Proceeding and Enquiry Report the Disciplinary Authority ordered dismissal of Kedar Bind from his service w.e.f. 30.05.1996 for his misconduct of unauthorized absence. The management claimed that the punishment of dismissal imposed against the workman is proportionate and justified, and the workman is not entitled to any relief as prayed for. The management alternatively prayed that a preliminary issue regarding fairness of the enquiry may be decided by the Tribunal and if it is found that the enquiry was unfair, then management may be given an opportunity to establish the charge by leading independent evidence.

5. In the written statement the workman never claimed that he had been suffering from any illness during the period of his absence from duty. Therefore, the denial on the part of the management that the workman was sick is not a subject matter of this case. The management further denied that the workman was not given adequate opportunity to defend his case or that he was deprived of natural justice. According to the management the order of dismissal passed against the workman is justified.

6. During pendency of the Industrial Dispute the workman died on 02.11.2014. Kauli Devi (Bind), the wife and Santosh Bind, son of the deceased workman were substituted on 29.12.2015 in place of the deceased workman.

7. The union adducing evidence on behalf of the substituted heirs of Late Kedar Bind filed affidavit-in-chief of Santosh Bind, Gita Devi Bind, Kauli Devi (Bind) and Dewanti Mahato, married daughter of Late Kedar Bind were filed. For the first time Kauli Devi (Bind) in her affidavit-in-chief stated that her husband could not attend duty from 15.04.1995 due to his illness. No document has been produced by the witness in support of illness of Kedar Bind. It transpires from the cross-examination of the Kauli Devi (Bind) that she had two sons and one of them Jokhan Bind had expired. In support of the same she filed a Death Certificate of her son. She denied that dismissal of her husband from service was proper or that she was not entitled to any Back wages on account of dismissal of her husband.

8. Management examined Mr. Ashish Mohan, Deputy Manager (Personnel), Madhabpur Colliery as Management Witness – 1. The witness has filed an affidavit-in-chief. In course of his evidence the witness deposed that Kedar Bind was dismissed due to his unauthorized absence. The witness failed to produce Charge Sheet on a

plea that the same is not available with the company. A photocopy of the order of appointment of the Enquiry Officer dated 19/26.10.1995 has been marked as Exhibit M-1. A copy of the Notice of enquiry dated 08.11.1995, as Exhibit M-2. A copy of the Enquiry Proceeding and Enquiry Report, in four pages is collectively marked as Exhibit M-3. A copy of the letter of dismissal dated 30.05.1996 issued by the General Manager of Kajora Area has been marked as Exhibit M-4.

9. In course of cross-examination of MW-1 it appears that the workman participated in the Enquiry Proceeding and during pendency of the Enquiry Proceeding, Kedar Bind was transferred to Lachipur Colliery by Office Order dated 06.11.1995. The copy of the Transfer Order has been marked as Exhibit W-1. The Corrigendum regarding effective date of dismissal of Kedar Bind has been produced as Exhibit W-2. He has denied that the punishment awarded to the workman was improper or illegal.

10. I have carefully considered the Industrial Dispute referred to this Tribunal along with the facts and circumstances highlighted by workman and management in their respective written statements and evidence adduced by both the parties. Considered argument advanced by Mr. Rakesh Kumar, Union representative and Mr. P. K. Das, learned advocate for the management. The crux of the issue is whether the dismissal of Kedar Bind from service is legal and justified.

11. Mr. Rakesh Kumar, Union representative advancing his argument in favour of the workman submitted that only charge levelled against the workman is absenting from duty for a period from 15.04.1995 to 14.09.1995, as the workman was suffering from illness. After receiving the Charge Sheet the workman submitted his reply and participated in the Enquiry Proceeding. It is claimed that during pendency of the Enquiry Proceeding the workman was transferred to Lachipur Colliery from Madhabpur Colliery, under the same Area, by Office Order dated 06.11.1995 (Exhibit W-1). My attention is drawn to the Enquiry Proceeding marked as Exhibit M-3 and argued that in page 3 the co-worker (Bijoy Shankar Singh) requested the Enquiry Officer to take lenient view as Kedar Bind was transferred to Lachipur Colliery. Mr. Rakesh Kumar argued that on one hand the management issued a transfer order and simultaneously dismissed the workman, which is an extremely harsh punishment where the management had no other charge against the workman except absence for five months due to illness. It is argued that the workman was dismissed from service w.e.f. 17.06.1996 but a Corrigendum was issued by the Manager of the Colliery (Exhibit W-2), whereby the date of dismissal of the workman was preponed to 30.05.1996. It is argued that the order of dismissal passed by an Officer subordinate in rank is not legal nor binding. Further case of the union is that no 2nd Show Cause Notice was issued to the workman before issuance of order of dismissal. It is vehemently argued that non-issuance of 2nd Show Cause Notice before dismissal is violative of the mandate of the Hon'ble Supreme Court of India as well as the circular of Coal India Limited dated 12.05.1994. Mr. Kumar urged that the workman having expired during pendency of the Industrial Dispute, the lacuna of non-issuance of the 2nd Show Cause Notice cannot be cured. Therefore, it is claimed that the order of dismissal without issuance of 2nd Show Cause Notice is liable to be set aside and the dependant family members of dismissed workman are entitled to back wages of Kedar Bind from the date of enquiry i.e. 11.11.1995 till the date of his superannuation.

12. Mr. P. K. Das, learned advocate for the management argued that the proposal of transfer of the charged employee was under consideration of the management prior to initiation of the Domestic Enquiry and the transfer order was in respect of a different colliery within the same area. It is argued that such order of transfer had no connection with the Enquiry Proceeding. Learned advocate of the management argued that the workman was guilty of misconduct by absenting from duty for a period of five months without intimation. The charge of the unauthorized absence was proved against the workman, which would be evident from the Enquiry Report at page 4 of the Enquiry Proceeding. Learned advocate fairly submitted that no 2nd Show Cause Notice was issued to the workman before issuance of the order of dismissal but the workman had been given fair opportunity to examine his witnesses on which charge was levelled against him and on the findings of the Enquiry Officer the charge under Clause 17(i)(n) of the Model Standing Order stood proved against him. The management considering the unauthorized absence to be gross misconduct, dismissed him from service by letter dated 30.05.1996 (Exhibit M-4). It is argued that a fair Enquiry Proceeding was held in which the workman participated and failed to demolish the charge. Accordingly, the punishment by order of dismissal is proportionate to the gravity of the misconduct committed by the workman.

13. At the outset it is pertinent to observe that none of the parties before this Tribunal could produce a copy of the "Charge Sheet" for the purpose of considering the exact charge levelled against the workman. In course of evidence of management witness several opportunities were given to him to produce a copy of the Charge Sheet and Enquiry Report. Instead of producing a copy of the Charge Sheet, Mr. A. Mohan (MW-1) informed this Tribunal that a General Diary Entry No. 387 dated 07.01.2023 has been lodged at Andal Police Station to the effect that the Charge Sheet which was kept in the case file of Kedar Bind is missing. A Writ Petition bearing W.P.A. No. 22472 of 2023 has been filed before the Hon'ble High Court at Calcutta challenging order dated 06.06.2023 wherein the management of ECL was directed to produce the Charge Sheet and Enquiry Report. In absence of such vital document the contents of the Charge Sheet has to be reconstructed from the pleadings and evidence of the parties.

From the written statement of the union and management, I find that Charge Sheet bearing No. Madh/P&IR/CS/95/3075 dated 11/14.09.1995 for continuous absence of the workman from 15.04.1995 was issued under Clause 17(i)(n) of the Model Standing Order. No other charge appeared to have been levelled against the workman. It would be appropriate to consider the genuineness of the charge in the backdrop of available facts and circumstances of the case. In the written statement the workman stated that he was facing problem due to pressure created upon him by the money lenders for which he sought for transfer to some other place. In paragraph 3 of the written statement the workman categorically spelt out that he was absent from duty from 15.04.1995 because he was facing problem at Madhabpur Colliery due to money lenders. There is no whisper in the written statement that he was prevented from attending his duty due to illness. A person having remained absent from work for five months without any intimation cannot be taken lightly as it erodes the discipline of work and disrupts the activity of the company. In course of Enquiry Proceeding management representative stated that Kedar Bind remained absent from duty continuously on and from 15.04.1995 to 28.09.1995 without any information and without permission of the colliery management. The charged workman on being examined by the Enquiry Officer stated that due to illness he could not attend duty and was under treatment of Dr. A. K. Mukherjee at Andal, Burdwan, a Registered Medical Practitioner (Patna). This statement of the workman does not find any reflection in the written statement. It is unconscionable as to why a person would be under the medical treatment of a Registered Medical Practitioner for such a long duration without being able to name the ailment he was suffering from. In such view of the matter, I am of the considered view that the Enquiry Officer did not commit any error in finding the workman guilty of the charge under Clause 17(i)(n) of the Model Standing Order for being absent for more than ten days. The Enquiry Officer submitted his report dated 25.11.1995 before the Manager of Madhabpur Colliery. The General Manager of Sripur Area having considered the report of the Enquiry Officer and after considering the record and report agreed with the findings of the Enquiry Officer and due to such gross misconduct dismissed the workman from his service by letter dated 30.05.1996 (Ext. M-4).

14. From the facts and circumstances of the case and the materials on record there is no doubt that the charge against Late Kedar Bind has been well proved beyond shadow of doubt. The only lapse on the part of the management is non-issuance of any 2nd Show Cause Notice to the charged employee and not providing any enquiry report to him which has been mandated by the Hon'ble Supreme Court of India and resolved by Coal India Limited in their Circular No. CIL C-5A(vi)/50774/28 dated 12.05.1994, which clearly indicated that the law laid down by the Hon'ble Supreme Court of India in Mohd. Ramzan Khan's case would operate prospectively to the orders of punishment passed after 20.11.1990. The Enquiry Report therefore should have been supplied to the charged employee inviting his response and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority.

15. The Hon'ble Supreme Court of India in the case of **Union of India and Others Vs. Mohd. Ramzan Khan [AIR (1991) SC 471]**, laid down the law as follows:

“ When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice.”

In the instant case the Enquiry Officer and the Disciplinary Authority are different persons. Before imposing penalty by the Disciplinary Authority, it was essential to supply copy of Enquiry Report and findings to the concerned workman for obtaining his response and after granting such opportunity to the workman the Disciplinary Authority stood competent to impose any penalty which was deemed appropriate by him. Non-compliance of the mandatory requirement amounts to breach of the principles of natural justice and vitiates the order of dismissal passed by the management against Kedar Bind. Admittedly, Kedar Bind has died on 02.11.2014 during pendency of the Industrial Dispute. Therefore, there is no scope for the management to remove the illegality and irregularity by issuing any 2nd Show Cause Notice, seeking explanation from the workman. Due to such non-compliance, I hold that the letter of dismissal dated 30.05.1996 issued by the General Manager of Kajora Area (Exhibit M-4) is not sustainable under the law and fact and the same is set aside. The question of reinstatement of Late Kedar Bind does not arise as he has died on 02.11.2014. The workman did not render service due to his absence. Therefore, under no circumstance his dependants would be entitled to full back wages. However, it would be just, proper and reasonable if

the wife and dependant family members of Late Kedar Bind are paid 20% of the back wages from the dated of dismissal i.e. 30.05.1996 till the date of his superannuation. The wife of the dismissed workman is also entitled to consequential reliefs.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against the management. The letter of dismissal dated 30.05.1996 issued by the General Manager of Kajora Area is set aside. the workman shall be presumed to be in service until his superannuation for the purpose of calculating his consequential reliefs. In view of the fact that he did not perform any work during this entire period, the dependant family members of Kedar Bind are entitled to only 20% of his back wages. An Award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 8 मई, 2024

का.आ. 873.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 04/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/05/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th May, 2024

S.O. 873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 04/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 06 /05/2024.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

L. C. APPLICATION NO. 04 OF 2014

PARTIES: Ranjit Banerjee.
Vs.
Director Personnel, ECL, Sanctoria and 2 Others.

REPRESENTATIVES:

For the Union/Workmen: None.

For the Management: Mr. P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 16.04.2024.

AWARD

1. Instant application under section 33 (C) of the Industrial Disputes Act, 1947 was filed by Shri Ranjit Banerjee, ex-Store Keeper of Barakar Engineering and Foundry Works under M/s. Eastern Coalfields Limited, claiming unpaid dues of wages for seven days during the year 2009-10, gas bill, wages from 21.12.2012 to

09.01.2013, quarterly bonus, PS bonus, medical bill, conveyance allowance for six months and other consequential benefits, amounting to Rs. 54,470/- (Rupees fifty-four thousand four hundred and seventy only).

2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. The case is fixed up today for evidence of parties. On repeated calls at 12.20 p.m. none appeared for Ranjit Banerjee. No evidence is adduced till date. Management of Eastern Coalfields Limited filed written statement on 10.08.2018 stating that the applicant was an employee at Barakar Engineering and Foundry Works, where he was charge sheeted for misconduct under Clause 26.29 of the Certified Standing Order. An enquiry was held and he was found guilty of the charge. Management took lenient view and issued order of warning to the petitioner by letter dated 29.03.2013 and he was informed that he would not be paid wages from 21.12.2012 to 09.01.2013. It is further asserted that the application under section 33(C) of Industrial Disputes Act, 1947 is not maintainable and all dues of application has been paid. It is further stated that petitioner joined duty on 10.01.2013 as such he is not entitled to wage for the period, he remained idle after his punishment.

3. Petitioner has not turned up after several opportunities granted to him to adduce evidence in his favour. In compliance with order dated 13.06.2023 a Notice under registered post was issued to the petitioner directing him to appear on 13.11.2023 before the Tribunal. Notice was returned without service and no step has been taken by the petitioner on consecutive date since 26.02.2018. In view of facts and circumstances the L. C. Application is dismissed of for default. Let a No Dispute Award be drawn up.

Hence,

ORDERED

that L. C. Application under section 33 (C) is dismissed of for default. A No Dispute Award is drawn up. Copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi under section 33 C (4) of Industrial Dispute Act, 1947 for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 8 मई, 2024

का.आ. 874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 35/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/267/2003-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th May, 2024

S.O. 874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 35/2004**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 06 /05/2024.

[No. L-22012/267/2003- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 35 OF 2004

PARTIES: Shyamal Bouri
Vs.

Management of 1 and 2 Incline, Jhanjra Area of ECL.

REPRESENTATIVES:

For the Union/Workman : Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL : Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 17.04.2024.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/267/2003-IR(CM-II)** dated 23.06.2004 has been pleased to refer the following dispute between the employer, that is the Management of 1 and 2 Incline, Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of 1 and 2 Incline, Jhanjra Area of M/s Eastern Coalfields Limited in dismissing Sh. Shyamal Bouri, R. H. Crew from the service on 8.10.96 is legal and justified? If not, to what relief the workman is entitled to?”

1. On receiving Order **No. L-22012/267/2003-IR(CM-II)** dated 23.06.2004 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 35 of 2004** was registered on 05.07.2004 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Rakesh Kumar, union representative appeared for Shyamal Bouri, the petitioner. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. This case relates to dismissal of Shyamal Bouri, R. H. Crew from service w.e.f. 08.10.1996. The subject matter of this Industrial Dispute before this Tribunal is to consider whether such dismissal is legal and justified. This case is pending since the year 2004. Mr. Kumar submitted that Shyamal Bouri has expired on 30.04.2018. Copy of the Death certificate is filed and the same is kept with the record. Till date none appeared for substituting legal heirs of Late Shyamal Bouri. Mr. Kumar further submitted that legal heirs of the deceased workman are not inclined to proceed further with this case and the same may be disposed of.

3. In view of facts and circumstances I hold that no purpose would be served by proceeding further in absence of proper representation of the dependent of the deceased. Accordingly, the Reference case is dismissed for default. Let a No Dispute Award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 8 मई, 2024

का.आ. 875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 67/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/329/2004-आई.आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th May, 2024

S.O. 875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 67/2005**) of the **Central Government Industrial**

Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on 02 /05/2024.

[No. L-22012/329/2004– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 67 OF 2005

PARTIES: Subhas Bouri
Vs.
Management of Kunustoria Colliery of ECL

REPRESENTATIVES:

For the Union/Workman : Mr. H. L. Soni, Union representative.

For the Management of ECL : Mr. P. K. Das, Advocate.

INDUSTRY: Coal

STATE: West Bengal.

Dated: 01.04.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/329/2004-IR(CM-II)** dated 20.07.2005 has been pleased to refer the following dispute between the employer, that is the Management of Kunustoria Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Kunustoria Colliery in dismissing Sh. Subhas Bouri, Timber Mazdoor from services w.e.f. 26.11.97 is legal and justified? If not, to what relief the concerned workman is entitled to and from which date? ”

1. On receiving Order **No. L-22012/329/2004-IR(CM-II)** dated 20.07.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 67 of 2005** was registered on 17.08.2005 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. The case is fixed up today for evidence of workman witness as last chance, in default, case is to be disposed of finally. On call Mr. H. L. Soni, union representative who raised this Industrial Dispute is not found available. Mr. Rakesh Kumar, union representative of the same union seeks time on the ground of Mr. Soni.
3. On a perusal of the record, I find that Subhas Bouri expired on 27.10.2015 and his legal heirs were substituted on 28.06.2017. This case has been fixed for evidence since 05.09.2017. Ample opportunity has been granted to the union to adduce evidence. Neither the legal heirs of Late Subhash Bouri nor the union representative has turned up for adducing evidence and no reason has been assigned for continuously remaining absent. In such view of matter, I hold that the Industrial Dispute need not be adjourned any further. The Industrial Dispute is therefore dismissed for default. Let a No Dispute award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer